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THE DAWN OF THE CONSTITUTION

SIR JAMES H. RAMSAY

THE DAWN OF THE CONSTITUTION

OR THE REIGNS OF HENRY III AND EDWARD I

(A.D. 1216–1307)

BY

SIR JAMES H. RAMSAY, BART., OF BAMFF
M.A., LL.D.

AUTHOR OF "THE FOUNDATIONS OF ENGLAND"
"THE ANGEVIN EMPIRE"
"LANCASTER AND YORK", ETC.

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PREFACE

In giving to the public another instalment of my History, I trust that it may be found no less useful than the preceding portions, and that it will meet with no less friendly a reception. I continue to write not in any partizan spirit, nor to further or combat any particular views, but to provide those desirous of knowing the cardinal facts of English history with a consecutive and verified narrative, based on the original authorities, with the help of all modern lights and interpretations. The marginal references will enable investigators to test my facts at every step, while giving specialists starting points for further research. In my humble opinion unverified histories, where the reader has to put his trust wholly in the writer, can never adequately meet the demand for historical information. I follow the lead of Gibbon, Freeman, Stubbs and all the best German scholars.

The question has been mooted whether History should be considered a science or an art. Truthful presentation of facts should be the primary object of the historical writer; but as History can never except within very narrow limits rise to the position of an exact science, it would seem a pity to deprecate the artistic touch, to which it must always owe half its interest and more than half its charm. Brilliant writing may not be within the powers of every pen. But the essence of literary art is "style," and the end of "style" has been well laid down as "precision, veracity of utterance, truth to the thing to be presented." Yet again considerable art may be shown in the marshalling of facts, so as to exhibit the logical sequence of events, without sinking to the bare annalistic record on the one hand, or on the other hand puzzling the reader by alternate anticipations and retrospections. I trust that with its marginal and other dates my chronology will be found clear and easy to follow.

I continue to give special attention to military affairs, and the geography of campaigns. I present plans to illustrate the "Fair of Lincoln," and the battles of Lewes, Evesham, and Stirling Bridge. I have studied the accounts of these actions, as well as those of the battle of Falkirk, on their several sites.

I still seize opportunities of exhibiting and refuting the absurd exaggerations of chroniclers in their estimates of numbers; English history, from the wealth of our public records, offers special facilities for the correction of such errors.

In my efforts to get at the revenues of our Kings I still seem to have a field all to myself. I have been careful to point out the difficulties of the subject. The figures taken from the public accounts speak for themselves, and are indisputable. My final estimates are given under reserve, and must be considered open to revision in case of the production of further evidence.

The reign of Henry III generally passes for a dreary period. But from the time that the King begins to intervene actively in public affairs the consistent perversity of his conduct, if given in sufficient detail, has a dismal comicality about it that must strike the reader endowed with a sense of humour. In fact the whole life of the times lies in detail, and, without the detail, cannot be realized. Any detail that I can give is all too scanty.

The critical epoch 1258–1261 seems a time of confusion, hard to follow. It was no doubt a time of great fluctuations in public opinion. But in reality the successive oscillations in the ascendancy of the parties are perfectly intelligible, and due to the struggle between constitutional instinct and a demand for just rights, on the one hand, and innate loyalty and regard for Royal authority on the other. Each party in turn, when in power, fails to make a successful use of its opportunity, and commits mistakes that gradually turn the scale in favour of the opposite side. The final victory of the Royal cause was due to the energy and ability of young Edward. Without him Henry III might have shared the fate of Edward II or Richard II.

The reign of Edward I was a period of almost continuous warfare. The pay-sheets of the troops employed in his Welsh wars have brought

to light the footing on which the infantry levies of the time were organized, a point on which we were in the dark before. The records of the reign have also revealed the extraordinary falling off in the number of the Knights' fees (*feoda militum*) for which the military tenants were liable. Originally assessed at 6,000 or 7,000 fees, they now proffer only some 1,200 in all. Scottish affairs, again, bulk largely in the reign. The detailed facts of the terrible homage question I claim to have traced, more fully and more impartially, than any previous writer. Without concealing my own views, I have recorded all the circumstances on which the parties to this "very pretty quarrel," on either side, could rely.

In opposition to current ideas, I think that my pages will show how thoroughly French Edward I and his Court and surroundings were. The reader will also notice how deeply society was permeated by the Crusading spirit, and how slow Europe was to recognize the hopelessness of the attempt to recover Holy Land.

I may perhaps be allowed to explain here with respect to the Tables of Receipts and Expenditure in the Welsh War, 1282–1284, given in the appendices to chapters xx and xxxiii, that though the totals are those found on the original, the individual items have been rearranged under their proper heads by myself.

JAMES HENRY RAMSAY.

Bamff, 1907.

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NOTE TO READER

Where the *ipsissima verba* of an author are given without modification, double inverted commas (“ ”) are used. If the words are translated, transliterated or in any way modified, single inverted commas (‘ ’) are used : “ sua jura,” ‘ their rights ’ ; “ saw,” ‘ saying.’

CHAPTER I

HENRY III (HENRI) 'OF WINCHESTER'

BORN 1 OCTOBER 1207 [1]; CROWNED 28 OCTOBER 1216; DIED 16 NOVEMBER 1272

"Ke ne dune ke ne tine ne pret ke desire."
"Qui non dat quod habet non accipitille quod optat." [2]

A.D. 1216–1219.

Accession—Earl of Pembroke Regent—Confirmation of Magna Carta—The war with Louis and the confederate Barons—Defeat of the latter at Lincoln—Naval victory off Dover—Treaty of Lambeth—Louis leaves England—Death of Regent Pembroke.

NEVER were the guardians of an infant Prince placed face to face with greater seeming difficulties than the friends of young Henry III at the death of King John. Eighteen months of civil war, for the whole of which the late King was responsible, had wasted town and country from the Isle of Wight to the banks of the Forth. A competitor for the Crown, accepted by the bulk of the Baronage, was established in the South; while a few days later the surrender of the Tower would complete his hold on the Capital. But Louis, feeble and impolitic as we have seen, was not the man to win a Crown; his cause was bound to sink when no longer propped up by the crimes and blunders of his opponent. John throughout had played his adversary's game for him. Young Henry on the other hand had on his side the unequalled tact and judgment of the great Earl of Pembroke, William Marshal I, the sentiment of hereditary right, and the Papacy. The issue could not long be left in doubt. One further point in Henry's favour should be mentioned. Apart from Dover, the Tower, Helmsley, and Mountsorrel, every castle of importance was safely held for him by his father's mercenaries; a material fact where war was a matter, not of battles but of sieges.

Situation in England.

King John had passed away at Newark on the 19th October. The date of his burial at Worcester is not given; but three or four days

[1] Annals of Winton and Waverley, *Monastic Annals*, II 80, 259 (Rolls Series No. 36, Luard); R. Wendover, III 219 (ed. Coxe, 1842).

[2] Henry's motto "profusely inscribed"; Blaauw, W. H., Barons' War, 225 (1871).

Burial of King John.

would be required for the transport of the remains from Newark to Worcester. The Earl of Pembroke, one of the executors named in John's Will,[1] hurried from Gloucester to attend the funeral: the Papal Legate Gualo, another executor, also appeared: the Bishop of Winchester, Peter des Roches, one of the late King's especial confidants, had been with him at the last. The obsequies over the little party adjourned to Gloucester,[2] a Council was held, and a resolution adopted for proclaiming young Henry—just nine years old—as directed by his father. The leading Royalists were summoned in all haste, and a trusty messenger despatched in the person of Thomas of Sandford, to fetch the future King from his well guarded nursery in the Castle of Devizes. Pembroke met the party at Malmesbury; took the Prince from the hands of his tutor Ralph of Saint-Samson, and conducted him with all reverence to Gloucester (27th October). The urgency of the case, with the great majority of the Barons in the field with Louis, was felt to be such, that it was resolved to proceed with the coronation on the morrow, though a Friday, without even waiting for the attendance of the Earl of Chester (Randolf III), the leading Royalist Baron next to Pembroke. Henry of course had not reached the years at which, in the ordinary course of things, even in the highest ranks of society, Knighthood could already have been conferred. But in those days nobody who had not been duly dubbed could be accepted as Lord and King. The privilege of conferring the indispensable honour was assigned to Pembroke. Six-and-forty years before his sword had knighted another King, the 'Young King,' Henry the ill-starred son of Henry II.[3]

Henry III proclaimed King.

Knighted

The right of crowning the King of course appertained to the Archbishop of Canterbury Stephen Langton. But he was abroad, detained at Rome.[4] Walter Gray the Archbishop of York was at home, but

[1] *Fœdera*, I 144. William Marshal, fourth son of John Marshal who figured in Stephen's reign, married Isabel of Clare, heiress of Earl Strongbow the conqueror of Ireland, and in her right became Earl of Striguil or Chepstow and Pembroke, with vast estates in Wales and Leinster; he also established a claim to the old Giffard estates of Longueville in Normandy, which he held under King Philip Augustus. See *Complete Peerage*.

[2] *Le Mareschal*, II 184, 185 (Paul Meyer, Société de l'Histoire de France; a Life of the Earl of Pembroke). With respect to the removal from Worcester to Gloucester, Worcester Cathedral had suffered severely from fire in 1202, and perhaps was not in a fit state for a coronation; Ann. Winton.

[3] So the *Mareschal*, I 77, II 185–187. The writer or his informant must have been at Gloucester at the time. See also *Angevin Empire*, I 119.

[4] In September 1215 Langton when at Dover on his way to attend the Fourth Lateran Council at Rome had been suspended by the Papal Legate Pandulph for acting with the Magna Carta Barons against John. Innocent III confirmed the sentence, and Langton had remained abroad ever since; see *Angevin Empire*, 487, 488.

at an inconvenient distance. The hallowing rites therefore fell to be performed by the prelates on the spot. On the 28th October Henry was carried to the Minster by the chief barons and crowned with the accustomed ritual.[1] An extemporized circlet of gold did duty as a crown. Joscelin of Bath administered the coronation oath, and also, it would seem, an oath of allegiance to the Papacy;[2] the Bishop of Winchester hallowed the King and imposed the crown; and the Legate Gualo sang the Mass.[3] The usual coronation banquet followed. Next day Henry received homage in due form from all the magnates present, including Henry Archbishop of Dublin,[4] and the Bishops of Worcester (Silvester of Evesham), Exeter (Simon of Apulia), and Coventry (William of Cornhill). The Earl of Chester—who had just arrived in time—William of Ferrers Earl of Derby, William Brewer, and the Gascon lord Savary of Mauléon were also present.[5]

and crowned.

Homages.

The appointment of a Regency was the next thing to be done. According to constitutional theory the office would belong of right to the Chief Justiciar, Hubert de Burgh. But he was still shut up in Dover Castle, blockaded by Louis; and for possessions and influence could not compare for one moment with the Earl of Pembroke. The only man at all on a par with the latter was Randolph of Chester, and Marshal pleaded his advancing years[6] as a reason for throwing the duty upon him. But the Council would hear of no excuse; and Marshal had to accept the Regency. But to set his hands free for operations in the field he asked that the charge of the young King's person should be left with the Bishop of Winchester. The interests of the Pope as Suzerain would be represented by the Legate.

The Regency.

The Earl of Pembroke.

[1] See for the rites *Foundations of England*, I 318.

[2] So Wendover IV 1, and Matthew Paris, *Chron. Maj.* III 2 (Luard, Rolls Series No. 57). In his *Historia Anglorum*, II 195 (F. Madden, Rolls Series No. 44) Paris omits the oath to the Papacy. No other writer has it.

[3] Walter of Coventry, II 233 (Bishop Stubbs, Rolls Series No. 58); *Mareschal*, II 188; Chron. Wykes, IV. 60 (*Monastic Annals*, sup.). Cnf. Wendover and Paris sup. and Ann. Dunstable, III 48 (*Monastic Annals*, sup.).

[4] So Wykes, sup. and the Chronicle of Melrose, 124 (ed. Stevenson).

[5] Ann. Dunstable, sup.; Ann. Waverley, II 286 (*Monastic Annals*, sup.); Wendover, sup. See also the notification sent to Ireland, *Fœdera*, I 145; and *Mareschal*, 193.

[6] The *Mareschal* makes Marshal eighty years old. But as the writer in an earlier passage told us that the Earl's parents were born in 1146, while he was not the eldest son, he was probably not more than seventy years old. See Mr. Kingsford's Article in the *National Dictionary—Mareschal*, I ll. 372–386.

[7] *Mareschal*, II 193–199; Wendover, IV 3; Paris; W. Cov. sup. The Earl appears on the Rolls as "Regis et regni Angliæ rector." He issues orders from the 1st Nov. For a certain rivalry between Pembroke and Chester, and efforts made to get the Pope to appoint Randolph as coadjutor, see *Letters of Honorius*, I 498; *Royal Letters*, I 532.

The first act of the Regency—after issuing the necessary notifications of the King's accession, accompanied by promises of redress for all grievances—was to proclaim their acceptance of the Great Charter. The Court having moved from Gloucester to Bristol—the old seat of the Empress Matilda's party—a Grand Council was held there on the 12th November, and a confirmation of Magna Carta issued, with some modifications. All that was personal to John was, of course, omitted; but other articles also were left out, and notably those that forbad the King to raise the county farm-rents, or to levy scutages, or 'Aids,' other than the regular Three, without the consent of the *Commune Consilium Regni*. The right of free egress and regress to and from the Kingdom was also withheld. The omission of these articles was justified on the ground that they seemed to press too heavily on the Administration.[1] But it was expressly declared that they were merely suspended for further consideration. As a necessary sop to the tenants-in-chief, the article forbidding them to tallage their under-tenants was also abrogated.[2]

Magna Carta confirmed with some omissions.

At the head of the names appended to the Confirmation Charter stands that of Gualo; a timely concession that the death of Innocent enabled the Papacy to make. Innocent was committed to utter rejection of the Charter, Honorius was not. But in all other respects he had taken up Henry's cause most energetically. As soon as he heard of John's death he renewed Gualo's commission, giving him the fullest powers. At the same time he writes to Hubert de Burgh, Savary of Mauléon, and the Earl of Pembroke thanking them for their loyalty. To the Confederates he points out that the death of John had removed every excuse for rebellion.[3] Gualo had not waited for orders, laying Wales and all other districts adhering to Louis under Interdict, and bringing all his weight to bear on the clergy, compelling them to ply Louis and all his supporters with weekly excommunications.[4] The Episcopate with one exception, Robert of York Elect of Ely, had already declared for Henry;[5] but meanwhile the bishops and their tenants fared badly; as Louis, while affecting

Papal concurrence.

Gualo and Pembroke.

[1] "Capitula . . . que gravia et dubitabilia videbantur." The ban on Gerard de Athée and his connexions was also removed. As soldiers they could not be spared. See Mr. G. J. Turner's article, Royal Historical Society, 21 Jan. 1294.

[2] *Statutes of the Realm*, Charters of Liberties, I 14–16; *Select Charters*, 330 q.v. for a collation of the two Charters.

[3] *Honorii III Epp.* vol. I, Nos. 80, 82, 84; 1–3 Dec.—Migne W. Cov. II 233, 234.

[4] "Mandans et monens, arguens et increpans, etc."; W. Cov. 233; Ann. Waverley, 286. Wendover, III 3; Chron. Melrose, 125.

[5] See the analysis C. Petit Dutaillis, *Charles VIII* 123, 134 (Paris 1894).

to treat the Legate's sentences with supreme contempt, ravaged the lands of those who ventured to publish them. 'But at this game Gualo had the best of it.'[1] Thus the Regent could allow the sword of St. Peter to fight for him, while he himself pursues "the simple but difficult policy of conciliation";[2] endeavouring to win support for the young King by tact and management, in the sure hope that Louis' cause would collapse through his incapacity, and the obloquy of his excommunicate position. Still for a while no progress seemed to be made. William Longsword the Earl of Salisbury, John's natural brother, and William Marshal the younger, the Regent's son, still kept to the hostile camp. The Runnimede Barons did not lay themselves open to any charge of weakness or inconsistency. When John's death had opened a door of escape from their difficulties they did not desert the champion whom they had brought over to fight their battles. Yet in fact their relations had been marked by mutual distrust. He taxed them with fickleness—most unjustly—while they complained that he had brought them no effectual succour; that he showed no disposition to act up to the spirit of his London oath; and that whatever he had to give he gave to Frenchmen.[3] From the latter part of July to the middle of October he had been pressing the siege of Dover Castle held by Hubert de Burgh. On the 14th of the latter month the Justiciar signed a convention with Louis agreeing to surrender if not relieved by a given day.[4] When Louis heard of John's death he flattered himself that the game was won, and summoned Hubert to surrender. De Burgh standing on the terms of his convention, and refusing to yield before the appointed time, Louis withdrew in disgust to London, taking up his quarters at Lambeth on the 4th November. Two days later the Tower, which till then had been held for John, was placed in his hands,[5] as already intimated.

Louis and the Barons.

The war.

Siege of Dover Castle.

The Tower yielded

The news of Henry's coronation had been received by the Confederates with utter scorn. Many of them swore never to accept a son of the Tyrant.[6] But whatever control they might have of the open country the chief castles in England were against them. These had to be reduced, so by way of a beginning on the 12th November

[1] "Prævaluit autem in hac parte legatus"; W. Cov. II 234.

[2] W. W. Shirley.

[3] W. Cov. 232; Ann. Dunst. 46, 47; Wendover, III 383, and IV 10; Paris, *Hist. Angl.* II. 202.

[4] Ralph of Coggeshall, 182 (Stevenson, Rolls Series No. 66); *Liber de Antiquis Legibus Londoniarum*, 202 (Stapleton, Camden Society).

[5] *Liber de Ant.* sup.

[6] W. Cov. 233.

they laid siege to Hertford Castle. On the 6th December the place yielded. Robert fitz Walter, the Commander in Chief of the Confederacy, the 'Marshal of God and the Church in England,'[1] claimed the custody of the place as an old possession of his family, the great House of Clare, from which he was sprung.[2] But Louis was rash enough to reject the petition in favour of a more favoured Frenchman.[3] From Hertford Louis moved to Berkhampstead, and there again the Royalists yielded, surrendering the place as the price of a truce to last over the 13th January 1217.[4] Under cover of this armistice negotiations were opened for a further truce or peace, Louis' party meeting at Cambridge, and the Royalists at Oxford. The Regent, who felt that time was on his side, was anxious to avoid action; but the Confederates, who, with some misgivings, still clung to their French Prince, deprecated any further suspension of hostilities. But here again the Papal arm made itself felt. Philip had been ordered to recall his son under threat of an Interdict over the whole of France.[5] Louis found it hard to resist the pressure of his father's messages; and Pembroke, glad to get him out of the Kingdom at any price, was fain to purchase a truce to last over the Easter month by ceding the castles of Oxford, Norwich, and Colchester, a cession amounting to that of all East Anglia.[6]

also Hertford

and Berkhampstead.

A truce.

But in civil warfare truces seldom meet with much respect. Philip of Aubigné[7] and the Sussex guerilla William Vaux of Collingham,[8] stirred the men of the Cinque Ports to raise the Royal Standard at Rye;[9] Louis marched against them. What happened is uncertain; but apparently Louis, finding the population round Rye very hostile, and the place difficult of access, moved on to Winchelsea, which was immediately evacuated by its inhabitants, who retired bodily to Rye. But the Wealden guerillas closing round Louis, broke down the bridges behind him, if they did not cut off his baggage train. To follow up this advantage D'Aubigné appealed for succour to the

[1] This was the title given to him by the Barons, *Fœdera*, I 133.

[2] For Robert's ancestry see *Angevin Empire*, 434, note. He was cousin to Richard of Clare the then Earl of Hertford, who also was on the Barons' side.

[3] Wendover, IV 4; W. Cov. II 234; *Mareschal*, II 202. The Hist. des Ducs de Normandie etc. 182 states that Robert did get Hertford; but admits that other places were given to Frenchmen. For a good list of castles and their constables see p. 181. The writer must have been with Louis.

[4] W. Cov. 234; Wendover, IV 6; cnf. Ann. Waverley, 287.

[5] *Hon. Epp.* 6 Dec. 1216; No. 85; (Horoy, Bibliotheca Patristica, vol. II).

[6] W. Cov. II 235; Wendover, IV 11; *Mareschal*, II 203. The latter denies that the truce was the work of Pembroke, and represents it as only taken for twenty days.

[7] A Breton, Petit Dutaillis, *Charles VIII*, 66.

[8] See *Angevin Empire*, 498.

[9] Cal. Pat. R. 17–25, Jany. cited Turner.

Regent, who came down in force with Gualo.[1] Louis was reduced to great straits, being bombarded by the English shipping from Rye, while strictly blockaded from the land side. Finally a fleet came to the rescue and carried Louis off to France, 'never again to have the same good-will of the Barons as before.'[2] His reinforcements however enabled him to take his revenge by sacking Rye.[3]

The breathing time gained by Louis' disappearance proved invaluable to the Royal cause. Two days after Louis' departure the Earl of Salisbury and the younger Marshal joined the Regent at Shoreham,[4] the first real accession to the party. All pretence of truce was now thrown to the winds. Advancing to Knep Castle,[5] which yielded, they divided their forces; Pembroke marching against Farnham, and the other two against Winchester. Farnham was the first to fall;[6] while at Winchester the 'lesser castle,'[7] presumably Wolvesey, the Bishop's residence, made but a feeble resistance to Salisbury. But the principal castle at the West end of the city held young Marshal at bay till the arrival of his father made further resistance hopeless.[8] Southampton and Rochester were next recovered; while on the 31st March the Regent's son appeared before Marlborough; and after some fighting reduced it.[9] Porchester and Chichester had also become theirs.[10] Another siege undertaken by the Royalists was that of Mountsorrel in Leicestershire, begun by the Earls of Chester and Derby early in April. The Confederates on the other hand had been blockading Lincoln Castle since early in March.[11] Of far greater importance however were the numerous returns to allegiance of men of high and low degree, coming forward to be freely and fully pardoned and reinstated.[12] The Regent thought himself strong enough to call for a carucage of two shillings on the hide of

Turn of the Tide.

Royalist Gains.

[1] 28th Feb. 1217; Calendar Pat R. page 25, cited Turner, "Minority of Henry III," R. Hist. Soc.

[2] W. Cov. sup.

[3] See the Histoire des Ducs, 182–187, where the siege is said to have lasted fifteen days; also *Mareschal*, II 203–208; Ann. Dunst. 48; Worcester, 407; Melrose, 130; for the sack of Rye by Louis M. Petit Dutaillis cites the Patent Rolls 1 Henry III 13 d. and 3 Henry III pt. 1, m. 5. Louis apparently sailed 2 March; *Mareschal*, 214; before 5 March, W. Cov. 236.

[4] Rot. Claus. I 299.

[5] 6½ miles S. of Horsham.

[6] The Regent signs there on the 7th March; Rot. Cl. I 307.

[7] "Le menor chastel."

[8] *Mareschal*, II 208–213. On the 13th March the Regent marched through Alton to Winchester. Rot. Claus. sup.

[9] *Mareschal*, 213, 214.

[10] See Turner, Minority of H. III. 263.

[11] W. Cov. 236.

[12] See the Close Rolls for March and April, *passim*. Some 150 entries.

120 acres; that is to say, from such of the party as had anything to give.[1]

But the end had not yet been reached. On Saturday 22nd April, the day on which the truce was to have expired, Louis landed at Sandwich with a considerable force under Robert of Dreux, Duke of Brittany, Thomas Count of Perche, and the Marshal of France Walter of Nismes.[2] The men of Sandwich having ventured to resist his landing Louis burned the town.[3]

Louis returns.

On hearing of the French Prince's return Pembroke dismantled and abandoned the fortresses that he had recently won, all but Farnham, retiring westwards. Louis directed his first steps to Winchester (30th April);[4] repaired the works, and then, leaving the Count of Nevers in charge, went back to claim the surrender of Dover. Part of his force, under the Count of Perche and the French Marshal, had already been detailed for the relief of Mountsorrel.[5] Passing thro' London they were joined by Saer de Quincy the Earl of Winchester, Robert fitz Walter and others. On Monday 1st May they rested at St. Albans, their march throughout being marked by indiscriminate plunder and devastation.[6] The Royalists having been driven from Mountsorrel, and forced to take refuge at Nottingham, the Barons marched on to reduce Lincoln Castle, where Nicholaa de la Haye[7] still defied the assaults of Gilbert of Gant established in the city.[8] Bound to succour the heroine of the party, Pembroke called for a general muster to assemble at Newark on the 15th May. On the 13th of the month he himself had reached Northampton.[9] By the 17th May he found himself at the head of a force that included the Legate, the Bishop of Winchester, the Earls of Chester, Derby, Salisbury, and Albemarle; besides his own son William, his nephew John, William and Philip of Aubigné, Fawkes de la Bréauté and other noted leaders, in fact the whole strength of the party. But their total numbers must sound very moderate to modern ears, being specifically given as 406 men-at-arms (*milites, chevaliers*) and 317

Siege of Lincoln Castle.

Royalist Muster.

[1] 13 April; Rot. Claus. 306, b. The tax had evidently not been paid up by Jan. 1218; Id. 310, 348.

[2] W. Cov. sup. *Mar.* II 214; Ann. Worcester; Wendover; Petit Dutaillis, *Charles VIII* 146.

[3] W. Cov. sup. *Mareschal*, 214.

[4] So P. Meyer in a note to the *Mareschal*. The Regent was at Marlborough that day.

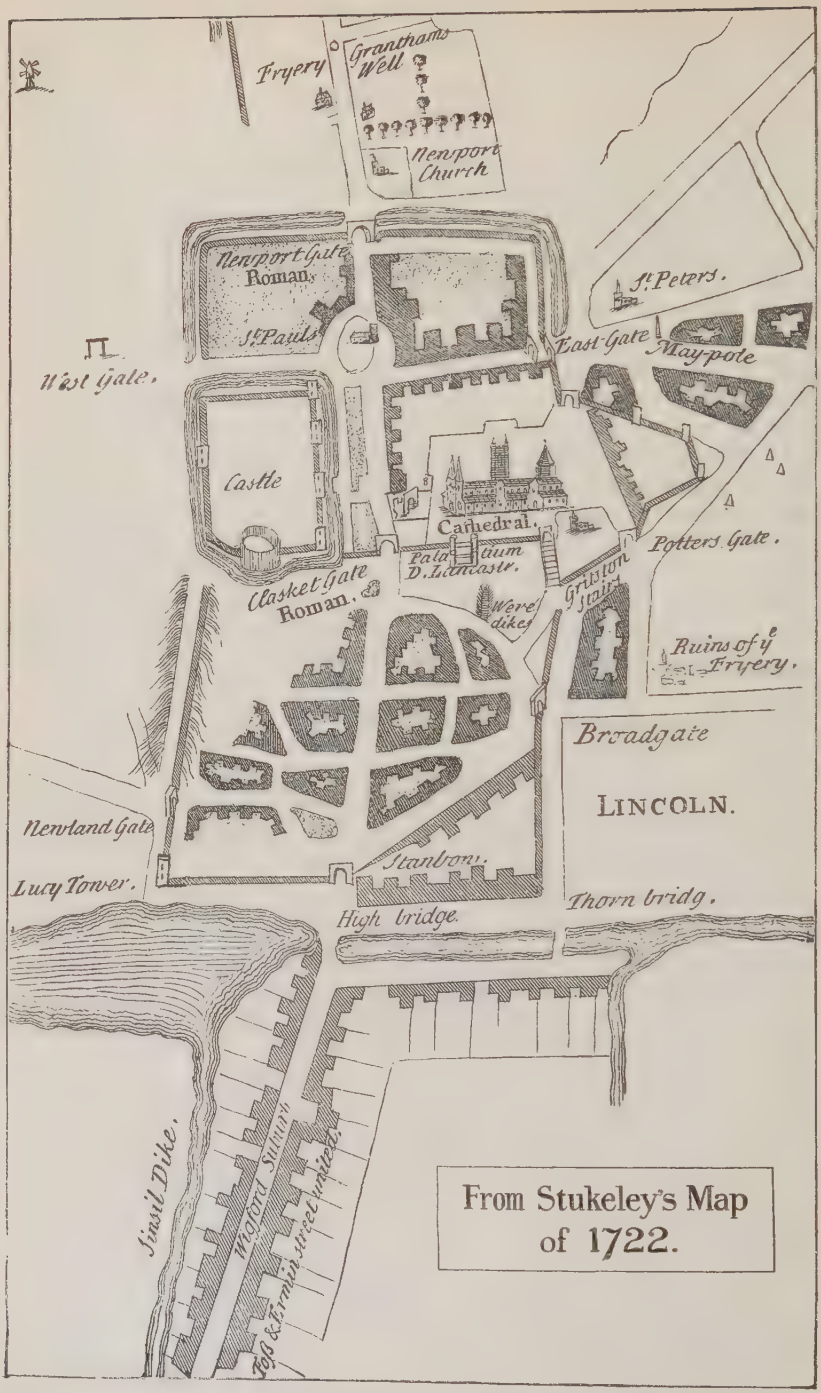
[5] *Mareschal*, 215, 216, and notes.

[6] Wendover, IV 15. 17; Ann. Dunst. 49; R. Cogg, 185.

[7] "Domina Nichole de Haia"; Rot. Cl. I. 295. She was the hereditary Constable of Lincoln Castle, and a staunch Royalist. *Angevin Empire*, 497.

[8] Ann. Dunst. sup.

[9] *Mareschal*, II 217; Rot. Pat. 14.



CITY OF LINCOLN: TO ILLUSTRATE "FAIR OF LINCOLN," 1217.

[To face p. 9.

crossbow-men (*balistarii, arbalestiers*).[1] But in addition to these we have light horse (*equites*), and footsoldiers and archers (*servientes*) of indefinite numbers. The 18th May was spent at Newark. On the 19th May the Legate after Mass harangued the army, pointing out that they were fighting outcasts, men utterly condemned by the Church; he followed this up by once more excommunicating Louis and all his abettors—more particularly those at Lincoln—at the same time laying the doomed city itself under ban. To the Royalists he granted plenary absolution—on the usual condition of repentance[2]—while finally, to stamp the expedition as a Crusading enterprise, white crosses were distributed among the soldiery.[3]

Gualo then went back to Nottingham, leaving 'the good Bishop of Winchester,' Peter des Roches, an acknowledged master of the art of war, to go on as military adviser to the Regent.[4] Cheered by the Apostolic blessing the army advanced to Torksey on the Trent where they spent the night.[5]

Advance to Lincoln.

The city of Lincoln occupies the crest and slopes of a commanding promontory; this at its southern end rises boldly from the plains below, while to the North, outside the walls, it broadens out into an open plateau. The river Witham washes the Southern foot of the promontory, being connected with the Trent at Torksey by an artificial canal, of Roman origin, known as the Foss Dyke. The castle enclosure stands on the brink of the high ground, in the South West quarter of the old Roman camp, of which the Minster occupies the South East quarter, with its West front facing the principal gate of the castle. The city at that time extended Southwards, along the principal street, downhill to the river Witham, and across it by the High Bridge to the Wigford suburb, as marked on our plan. This part of the old city is now only marked by three interesting churches, but at the time of which we are now treating it was evidently enclosed and fortified. Pembroke and his advisers, like Robert of Gloucester in 1141, were fully aware that Lincoln could only be attacked from the open ground to the North, and by the Newport Gate. By making a wide circuit through Torksey they avoided the difficulties connected

Sites of City and Castle.

[1] So the writer of the *Mareschal*, II 222, Wendover, IV 18, gives practically the same strength, namely 400 *milites* and some 250 *balistarii*. The writer of the *Mareschal* might have been expected to have been in attendance on his master, but as he refers to different accounts that he has received clearly he was not there; see p. 227.

[2] Wendover, 19; *Mareschal*, 221.

[3] *Political Songs of England*, 24 (Camden Society, 1839); Ann. Dunst. 49; Waverley, 287.

[4] "Li buens evesque de Vincestre"; *Mareschal*, 222. "Episcopus in opere Martio eruditus"; Wendover, 18. Cnf. Ann. Dunstable, 49.

[5] *Mareschal*, II 221. Wendover takes them to Stow, near Gainsborough, quite out of the way.

with the fording either of the Witham or of the Foss Dyke in the face of an enemy. We have mentioned that the chief gate of the castle faced East; but there was also a postern gate at the North West corner of the enclosure, leading to the West Gate of the city.[1]

On the 20th May, after Mass, the Royalists moved out of Torksey in four divisions, the first led by the Earl of Chester, the second by the Regent, the third by Salisbury, while a fourth 'battle' was entrusted to the Bishop.[2] As the crossbow-men were assigned to his division, he must have led the scouting. The baggage of course came in the rear; and we are told that to give an increased appearance to their numbers each of the magnates had a banner in the baggage guard, as well as one with his fighting contingent.[4]

At the approach of the English the French sent out men to reconnoitre. They were much stronger than their adversaries, their numbers being given as 611 men-at-arms and 1,000 foot (*peoniers*), without counting the native allies.[5] Fitz Walter and Saer de Quincy were in favour of a sally. But the French Captains, with whom the chief command rested—perhaps deceived as to the numbers of the Royalists—resolved to remain on the defensive within walls, and to press the bombardment of the castle, hoping to reduce it before the Royalists could effect an entrance.[6] The result was that while the French were directing all their efforts towards battering down the gate at the East end of the castle enclosure, communications were opened by the garrison with their friends outside, evidently through the little postern at the West end. A party of archers were introduced, who, quickly manning the battlements, began to make havoc of the Confederate horses cooped up in the streets outside. According to one account the 'good Bishop' was the first man to make his way into the fortress, and to cheer Dame Nicholaa in her Keep with an assurance of speedy relief.[7] Meanwhile the main body of the Royalists, bursting in at the Newport Gate [8], charged the Confederates, driving them along the connected street, and so backwards to the open

The French on the Defensive.

Royalists break in.

[1] See Plan.

[2] *Mareschal*, 222. Wendover, IV 20, makes seven divisions of the Royalist force, but I follow the version of the *Mareschal*. Wendover also gives the date as Saturday 19 May (XIV Kal. Jun.), whereas it was the 20th. Paris in both works copies the error.

[3] *Mareschal*, 224.

[4] Wendover, sup.

[5] So *Mareschal*, 225.

[6] Wendover, 21; *Mareschal*, 225, 226; W. Cov. II 237.

[7] Wendover, 21, 22; W. Cov. sup.; *Mareschal*, 228–234. Wendover gives the credit of the first entry to Fawkes; the writer of the *Mareschal* represents Fawkes as having failed, at any rate at the first attempt to get in; p. 232. But see also the Dunstable Annals, 49.

[8] "Ad portam et muros . . . versus aquilonem"; Ann. Dunst. sup.

space between the Castle and the Minster.[1] A stiff struggle ensued there; but, with the help of the archer fire from the castle walls, the enemy was worsted, and then driven headlong down the High Street to the narrow bridge across the Witham, and so on into the Wigford suburb.[2] But the street there ended in a gate, one of a peculiar construction, with a swing door that closed of itself, so that a man on horseback could not get through without dismounting to open the gate. But, to add to the difficulties of the fugitives, a cow had got into the doorway, so that the swinging flap could not be opened till she was got rid of.[3] As usual not many of the mail-clad gentry fell, the young Count Thomas of Perche being the chief victim, stabbed through the visor of his helmet in the conflict at the castle gate. But the prisoners taken were a perfect haul, including the Earls of Winchester, and Hereford (Henry Bohun), Gilbert of Clare son of the Earl of Hertford, and the Barons fitz Walter, Mountfichet, Mowbray, Beauchamp, de Ros, in fact all Louis' chief supporters.[4] Little pursuit was attempted, but the French fugitives, especially those on foot, met with little mercy from the country folk. A draggled remnant of 200 men was all that the Marshal of France could bring back to London. The baggage of the Confederates, rich with plunder gathered on the way to Lincoln, was legitimate spoil; but the anathemas of the Legate were held to sanction 'the Fair of Lincoln,' an indiscriminate sack of all property ecclesiastical or lay, found within the unfortunate city, the Minster itself not excepted. A boat-load of women flying from outrage sank in the waters of the river Witham.[5]

Defeat of the Confederates.

The "Fair of Lincoln."

On hearing of the disaster Louis promptly returned to London, sending urgent messages to his father for further aid. To avoid a collision with the Papacy the task of preparing an armament was ostensibly delegated to Louis' energetic wife, Blanche of Castile, whose ambition was supposed to have instigated the whole enterprise.[6] Meanwhile the Royal cause was making steady progress, thanks to the politic management of the Regent. The Confirmation of the Charter is proclaimed, county by county; pardons and restitutions are freely distributed. By the middle of June the Court was again at Windsor, and negotiations for a truce were opened.[7]

[1] "Pugnatum est in plateis civitatis et in ipso atrio matricis ecclesiæ," W. Cov. sup.

[2] *Mareschal*, II 237–243; Ann. Dunstable, sup.

[3] Wendover, IV 23; *Mareschal*, II 248.

[4] *Mareschal*, 240; Wendover, sup. W. Cov. II 237.

[5] Wendover, 24–26; W. Cov. 238; Ann. Dunst. 49, 50; Waverley, 287.

[6] Wendover, IV 27, 28; *Mareschal*, II 252–254; W. Cov. II 238.

[7] See *Fœdera*, I 147, and the Close Rolls, I 311, 312. The latter from the beginning of March show a continuous series of grants, mostly restitutions. For the abortive negotiations see Mr. Turner's Paper, 266.

But neither side as yet was wholly anxious for peace; Louis still cherished hopes; and some of the Royalists were not sorry of a little more time for enriching themselves at the expense of their adversaries.[1]

A last reinforcement for Louis.

On the 24th August Blanche despatched from Calais a last reinforcement for her husband. The troops comprised about 100 picked men-at-arms,[2] among them the flower of French chivalry, the celebrated William des Barres, who for a change came to court danger on the sea. An account that seems trustworthy tells us that the shipping numbered eighty vessels large and small, of which ten were big ships—men of war (*batellies*)—four carrying the men-at-arms and six the footsoldiers.[3] The fleet, as before, was commanded by the terror of the Channel, the great Flemish rover, Eustace the apostate monk,[4] his flagship carrying the pick of the Knights. But Hubert de Burgh had been on the look-out at Dover, while the Regent diligently ordered all the Cinque Ports' shipping to gather at Sandwich.[5] As soon as the French fleet came well in sight Hubert put out to sea, with Philip of Aubigné, and John Marshal in subordinate command under him. By all accounts it is clear that they were numerically inferior;[6] but it is not at all clear that they were inferior in fighting strength. The writer of the *Histoire des Ducs de Normandie*, who gives the French ten big ships, attributes "*XVIII grans nés*" to the English.[7] Wendover gives them sixteen "*bene communitas naves*"; while the author of the *Mareschal* only allows them twenty-two vessels, large and small.[8] Under these circumstances some hesitation at taking the initiative would be excusable, but we are told that the recent triumph at Lincoln gave the English confidence. Superior seamanship enabled them to gain the windgage of the enemy;[9] while manœuvring for this advantage the English archers and crossbow-men again proved their terrible efficiency. Then they came to close quarters, "ramming" some of the enemy with the beaks of their galleys, and hooking others with grappling irons. The French were blinded with showers of quicklime, thrown upon them down-wind; while the cordage of their rigging was cleverly cut by the English sailors, so that yards

[1] W. Cov. sup. Cnf. Wendover, IV. 34; also *Histoire des Ducs*, 197, 199.

[2] So the *Hist. des Ducs*, 198; cnf. *Mareschal*, 255, 265.

[3] *Histoire des Ducs*, 200. Wendover raises the number of the big ships to eighty.

[4] Eustace was actually master of some of the Channel Islands; see the treaty with Louis below, and *Fœdera*, 148.

[5] Rot. Claus. 320; *Mareschal*, 256, 257.

[6] The *Mareschal* only gives the English 22 vessels, large and small, p. 258.

[7] p. 201. [8] p. 258.

[9] "Obliquando dracenam, id est *loof*, acsi vellent adire Calesiam"; Paris, *Chron. Maj.*, III 29, an addition to Wendover.

and sails came rattling down. But the central point of the action was the capture of Eustace's ship, which only succumbed to the efforts of four English vessels laid aboard of it. The redoubtable 'Monk' was beheaded on the spot; but the noble Knights were reserved for ransom. None of the other fighting ships were captured; but havoc was made of the lesser craft and their crews.[1]

Its total Defeat.

This victory was decisive. The Earl of Pembroke, who had called for a general levy to meet at Oxford on the 6th August,[2] immediately marched on London, and invested the city. Louis found himself forced to treat. Negotiations were opened at Staines, the Court being at Chertsey.[3] On the 11th September a treaty was signed at Lambeth, on very easy terms, the Regent being still chiefly anxious to get Louis out of England. Pardon and restitution were stipulated for all the followers on either side, except Louis' clerical supporters. With like reciprocity, all prisoners taken since Louis' first landing would be set free; payments of ransom already made, to stand good; instalments actually due, to be paid up; but instalments not yet due to be remitted. Louis was required to give up all towns, castles, and lands held by him; to release all his English followers from their allegiance; and to engage never again to enter into any league against Henry or his heirs. The rightful customs and liberties of London, and all other cities and boroughs, would be respected; and Louis' adherents would get the full benefit of the Charter with all recent 'emendations.' Henry also made himself liable for certain moneys supposed to be 'due' to Louis; while the latter undertook to apply for Papal confirmation of the treaty. England's affairs, forsooth, were now the Pope's affairs, and dependent on his sanction. Louis also promised to force the brothers of the late Eustace the Monk to restore the Channel Islands, that had been wrested by him from England. The King of Scots and Llewelyn would be invited to concur in the pacification.

Treaty of Lambeth.

The little King was made to affix a seal to the document, placing it next after that of the Legate Gualo, the representative of his Suzerain.[4] "The treaty . . . bespeaks an amount of sound policy,

[1] See the *Histoire des Ducs* whose account I mainly follow; also Wendover, IV 28-30; Paris, *Chron. Maj.* III 28, and *Hist. Angl.* II 218; W. Cov. II. 238, 239; *Mareschal*, II 262–269. The last agrees with the *Histoire* in making the action turn on the defeat of one big ship, but his details differ.

[2] *Select Charters*, 334.

[3] W. Cov. 239; Wendover, 31. The Regent signs at Cherstsey Sept. 6–13; at Kingston, Sept. 14–19; moving on to Lambeth on the 20th; Rot. Claus. 321, 322.

[4] *Fœdera*, I 148. Henry however had no official seal of his own as yet, the writs being all tested with the Regent's Seal.

honesty, and forbearance on both sides which could scarcely have been expected after so long and so bitter a contest." [1] Under the guarantee clause Henry was called upon for 10,000 marks for Louis' 'expenses'; but such a sum could not be grudged as the price of peace.[2]

The Legate's requirements.

On the 13th September Louis and his adherents presented themselves, ungirt and barefoot, at the door of the Legate's tent, near Kingston, to receive absolution for their defiance of Papal mandates. But this was only granted on condition of submitting to the eventual judgment of the Church.[3] Five days later a Council was held at Merton, to make final arrangements, when a further number of Louis' supporters gave in their adhesion.[4] On the 22nd September, the Legate being still at Merton, Louis came to hear the terms on which his absolution had been granted.[5] These were, that he himself should pay a tenth, and his lay followers a twentieth of their revenues for two years, for relief to Holy Land; ecclesiastics from abroad, who had followed Louis to England, would be required to come in and make such terms, each for himself, as best he could, by a given day.[6] Louis then went back to London, to surrender the Tower to the Bishop of Winchester, and take leave of his friends. For his journey the citizens lent him £1,000. The Legate and Pembroke escorted him to Dover.[7] On the 27th September Gualo proclaimed the terms on which Louis' absolution had been granted, as already mentioned—all matters being now settled, next day apparently, the French Prince left England never to return.[8]

Louis leaves England.

After more than two years of disruption and civil war England was again united and at peace. The question might seem to be, were the hostile parties prepared to make friends? The real question was, what use was the Government going to make of its victory, which

[1] Bishop Stubbs, *Const. Hist.* II 25.

[2] See Pembroke's letter to the Pope, explaining his inability to pay the Papal rent of 1,000 marks owing to the pressure of the 10,000 marks for Louis. *Royal Letters Henry III*, vol. I 7 (Shirley, Rolls Series No. 7). W. Cov. II 239.

[3] The writers differ as to the date of Louis' absolution, giving the 7, 13 and 20 Sept. But the question seems settled by the fragmentary Merton Chronicle given by Petit Dutaillis, *Charles VIII*, 514 (MS. C.C.C.C. 59, f. 171), which tells us that Louis was absolved on the 13th; that the Legate came to Merton on Sunday the 17th and remained there till the 22nd Sept. See also W. Cov. sup.; Liber de Ant. 203; R. Cogg. sup. Melrose, 131.

[4] Chron. Merton, sup.; *Liber de Ant.* sup.

[5] Chron. Merton, sup.

[6] See the notification published by Gualo at Dover on the 27th Sept. for the information of the English Church. *Fœdera*, I 143 (given under John's reign.).

[7] *Liber de Ant.* 204; Wendover, IV 32; the latter raises the money borrowed to £5,000. The £1,000 were repaid next year.

[8] W. Cov. sup. 28 Sept. Ann. Tewkesbury; Chron. Merton and W. Cov. sup.

Policy of the Regent.

was complete. At John's death the balance was distinctly inclining in his favour. Now with the Confederate party crushed, Louis gone, the whole administration of the country still in the hands of John's sheriffs, and John's constables, backed by the swords of John's mercenaries, with all the resources of the spiritual arm absolutely at call in case of need, the Regent was altogether master of the situation. He hastened to proclaim the fact that amnesty and justice, coupled with a due assertion of Crown rights, would be the key-notes of his policy. The Lincoln prisoners were promptly liberated and reinstated. The Earl of Hertford having died (November), his son Gilbert of Clare was admitted to the paternal inheritance ;[1] his claims to the maternal Earldom of Gloucester being suspended awhile.[2] London having been duly purged by the Legate's absolution, and its charters again confirmed,[3] the young King could at last make his entry to his Capital. He staid there a week, receiving homages and submissions wholesale.[4] On the 6th November a Grand Council was held at St. Paul's, when seemingly a fresh reissue of Magna Carta was published, with further amendments ; accompanied by a boon of scarcely less importance to the landed interest, namely, a Forest Charter, to expand the insufficient concessions of the Great Charter. Of the modifications of Magna Carta the following were the most important. A widow's dower is specifically fixed at one third of her husband's lands, 'unless she shall have been endowed of a lesser portion at the door of the church (c. 7).' Judicial Iters to take the assizes of Novel Disseizin, Morte d'Ancestor and Darrein Presentment to be held once a year instead of three times a year (c. 13). No freeman to sell or give away so much of his land as not to leave enough to satisfy the services due (*servitium debitum*) to his lord (c. 39). This provision might be considered an anticipation of the famous Statute *Quia Emptores* of Edward I. A

Second Confirmation of Magna Carta.

Modifications.

[1] 17 Feb. 1218 ; Rot. Claus. I 352.

[2] Of the three daughters of Earl William of Gloucester, son of the great Earl Robert, Mabel, the eldest, married Amauri of Montfort, Count of Evreux, by whom she had a son Amauri, admitted by John to the Earldom of Gloucester in 1200 (*Fœdera*, I 79). Both Mabel and her son were now dead, the latter without issue. Amice the second daughter of Earl William married. Richard of Clare Earl of Hertford and her son Gilbert now claimed in her right. The third daughter Isabel the ex-Queen originally promoted over the heads of her sisters, then disendowed, and then again reendowed, died in 1217, without having had issue either by John or by the Earl of Essex. It must be added that the new Earl Gilbert was married to the Regent's daughter Isabel. See *Complete Peerage*. The dealings with the Gloucester inheritance give one of the best illustrations of the government of the times.

[3] Rot. Pat. of H. III, 1 ; *Pauli*.

[4] October 22–28 ; see the lists, Rot. Claus. I 333–343 ; W. Cov. II 239.

kindred clause (43) forbids the fraudulent transfer of lands to Houses of Religion to be taken back again, and so held free of all service to the over-lord. Here again we may see a first germ of legislation in Mortmain. The 44th clause provides that scutage shall be taken, as it used to be taken under Henry II, meaning probably at the rate of two marks (£1 6*s.* 8*d.*) on the knight's fee, and without any extra fines *ne transfretent.*[1] Lastly the 47th clause requires the demolition of all 'adulterine' castles, that is to say castles built or rebuilt since the outbreak of the war between King John and the Barons.[2] With these modifications Magna Carta assumed its final form. "Although frequently republished and confirmed the text is never again materially altered."[3]

Grant of the Forest Charter.

By the Forest Charter all the Royal forests created in the last two reigns are ordered to be disafforested, and those created by Henry II to be cut down to their proper limits: persons not living within the precincts of the forests are relieved from attendance at the forest courts, unless specially summoned; penalties of life and limb are abolished, fines and imprisonment being substituted; the rights and duties of Foresters and Verderers are limited and defined, and provision is made for the periodical visitation (*regardum*) of the forests.[4] In the lengthy struggle to enforce compliance with the concessions of the Forest Charter we shall find the disafforesting of illegal forests the essential point in the eyes of the Baronage and Parliament. Complaints of non-performance will not cease before the time of Richard II.[5]

Money Grants.

In return for these Charters the Council granted a scutage of two marks on the knight's fee, half to be paid in November, and half in January 1218.[6] The Prelates had already been ordered by the Pope to contribute to the needs of the King.[7] But to raise the 10,000 marks for Louis tallages on the boroughs and demesnes had also to be levied.[8]

[1] For these fines see *Angevin Empire*, 356, 390. The question has been raised whether the clause was intended to sanction the imposition of a scutage without the consent of the *Commune Consilium* (Bishop Stubbs, *Const. Hist.* II 27, note). On abstract principle the right of calling for a scutage as a corollary to the right of declaring war, would surely rest with the King. But sound policy would suggest the expediency of securing the assent of the powerful feudatories who would be responsible for the payment of the money.

[2] *Statutes of the Realm, Charters of Liberties*, 17–19; *Select Charters*, 335. The Charter bears no date; but it was probably published at the same time as the Forest Charter, which is dated 6 November.

[3] Bishop Stubbs, *Const. Hist.* II 26. [4] 9 Nov., *Statutes*, sup. 20, 21.

[5] See Rot. Parl. III 116.

[6] Rot. Claus. I 349 and 371 q.v. for the writs of assistance to the lords who had knight's fees held of them to enable them to obtain the scutage from the tenants.

[7] *Royal Letters*, I 532.

[8] Rot. Claus. 359, 364, 370, 375. The money had been borrowed in the

Foreign Affairs. Foreign affairs were not neglected either. Alexander II of Scotland, and Llewelyn of North Wales were summoned to render homage.[1] The King of Scots made no difficulty, and, coming to Northampton, rendered homage during the Christmas festivities.[2] That done the Earldom of Huntingdon and other Scottish holdings in England were confirmed to him.[3] Llewelyn stood out for terms; and only came in on condition of being allowed to retain the Castles of Carmarthen and Cardigan, recently captured by him. The arrangement as suggested by him was that he should hold them on Henry's behalf till the King came of age. The Southern chieftains Maelgwn son of Rhys, and Rhys and Madog sons of Gruffudd concurred in the transaction.[4] Llewelyn also obtained the custody of all the possessions in "Montgomery" of his rival Gwenwynwyn of Powys, whom he had again expelled.[5]

Alexander II.

Llewelyn.

Return of Langton. By the month of May (1218), when Stephen Langton came back to resume his archiepiscopal functions,[6] England might seem to have settled down to its normal condition. But the state of the country was still far from normal; disputes and proceedings as to lands wrongfully occupied during the troubles were still rife.[7] The Magna Carta Barons, in spite of the triumph of the principles for which they had fought, were in the position of a beaten and discredited faction, condemned by the Church. "They had indeed been admitted to pardon, but they could not hope for favour."[8] Every office of importance, every royal castle was in the hands of one or other of John's partizans and minions, many of them foreigners, men of lawless and tyrannical habits, specially proscribed by Magna Carta. The Regent, doubtless, would have been glad to be rid of these worthies, but he had not the power to turn them out. One of them, however, by name Robert of Gaugy,[9] had involved himself in a quarrel

State of England.

first instance from merchants of Saint-Omer, so that Henry's reign began with borrowing. See Petit Dutaillis, sup. 176.

[1] November; *Fœdera*, I 149.

[2] 23 Dec. Chron. Melrose, 133. The writer gives the homage as expressly rendered for the Earldom of Huntingdon; but it is not likely that the English would accept homage so restricted.

[3] 13 March, 1218; Rot. Claus. 354.

[4] *Brut y T.* 286.

[5] *Fœdera*, I 150; *Brut.* 291. For the antecedents of these various Princes see *Angevin Empire*, Index.

[6] Chron. Melrose, 134. On the 13 May Langton had his mints (tres cunei) and other privileges restored; Rot. Claus. 361. His suspension had been dissolved in February 1216; R. Wendover, II 360.

[7] See instances *Royal Letters*, 4, 11, 13, 20.

[8] Shirley.

[9] Gaujac (?) There are three places of the name in Gascony.

with the Church, and Church rights had to be defended at all hazards. The man was in possession of Newark Castle, appertaining to the See of Lincoln, and refused to give it up. In March Philip Marc, Sheriff of Notts and Derby, had been ordered to raise troops to bring him to terms.[1] Robert persisting in revolt the Regent had to take the field in person, bringing the young King with him. On the 20th July they took up their quarters at Newark. With humane forethought Pembroke had sent a party in advance to blockade the castle gates, in order to prevent the garrison from sallying out to fire the adjacent buildings, a usual measure in cases of siege. After eight days of bombardment de Gaugy came to terms, agreeing to deliver the castle to the Bishop upon receiving £100 for his stores.[2]

Robert of Gaugy.

Peacefully the remaining months of the Regent's career flowed on. Already his position had been strengthened, and England relieved of turbulent elements by the departure of the Earls of Chester, Derby, Arundel, and Winchester, with that of Robert fitz Walter, John de Lacy Constable of Chester, and others, who all left England in June, to seal their reconciliation with the Church, by joining the Crusade, now concentrated on the siege of Damietta on the Nile.[3] At Michaelmas the sheriffs once more appeared at Westminster, to render their accounts for the previous year.[4] But the Exchequer was so empty that to meet pressing wants the Regent had to raise money on the King's wardrobe and the Crown jewels. "He also advanced considerable sums out of his private estate."[5] In November, the King having entered on his 12th year, a Great Seal was struck for him.[6] Till then the writs had been tested with the Regent's private seal. But it was specially provided in Grand Council that the new Great Seal should not be used to attest grants in perpetuity till Henry should come of full age.[7] At the head of the signatures to this Ordinance stands that of the Legate Gualo. But a few days later he left England, recalled to make room for Pandulf, a much abler man than himself.[8] Gualo by his exactions had made himself utterly hateful to the clergy. But he does not appear to have interfered with the Regent's

Henry's first Seal.

Pandulf Legate vice Gualo.

[1] Rot. Claus. 378. [2] Wendover, IV 34–36; Rot. Claus. 365.

[3] Paris, *Cr. Maj.* III 40; W. Cov. II 240; Ann. Waverley, 289; Burton, 225.

[4] See Mr. Turner, 284, 288. No accounts were rendered for the year Mich. 1216–1217; but some accounts were rendered for the half year Mich. 1214 to Easter 1215, before the war began; Pipe Roll 17 John. [5] Turner, 286.

[6] "Sigillum auctenticum"; Ann. Tewkesbury, 64; Waverley, 221; R. Cogg. 187.

[7] *Fœdera*, I 152. 5 November (?). The new Seal was first used on that day (Bp. Stubbs).

[8] Ann. Waverley, sup. W. Cov. II 241. Pandulf was received at St. Paul's on the 3rd Dec.; R. Cogg. 186.

action, confining himself very much to his own sphere, but lending a helping hand when wanted. Thus he had forced the reluctant Durham Chapter to accept as their Bishop the Chancellor Richard Marsh or des Marais ; [1] one of John's pet creatures.[2]

With the resumption of the Judicial Circuits early in 1219 the administration of the country was again seen running its usual course.[3]

Judicial Circuits resumed.

But while issuing their commissions to the Judges, the Government felt bound to warn them that as Ordeals had been condemned by the recent Lateran Council (the Fourth), no further recourse to that primitive test could be allowed.[4]

On the 2nd February 1219 Pembroke was taken ill, probably at Westminster, as on the 7th March he was moved to the Tower.

Illness of the Regent.

Feeling in want of fresher air, on the 24th of the month he had himself conveyed by water to his manor at Caversham.[5] His condition showing no sign of improvement a Grand Council was held at Reading, at which the King, Pandulf, and the Chief Justiciar de Burgh assisted.[6] A deputation visited the Regent at Caversham to consult him as to what ought to be done in case of his death.

Question of future Regency.

Peter des Roches, the Bishop of Winchester, claimed the guardianship of the King's person as already his. But Pembroke objected, pointing out that no official position had been assigned to the Bishop, and that he had merely been invited by himself to attend to the King as his delegate, in case of his being called to arms. His advice clearly was to the effect that no fresh Regent should be appointed ; but that the charge of affairs should be left in the regular course of things with the Chief Justiciar. At a second visit on the morrow he formally placed Henry in the Legate's hands.[7] His malady gaining on him, he asked to be buried with the Templars in London ; and so surrounded by his numerous sons and daughters he passed away on the 13th May.

Death of Pembroke.

Three days later he was laid in the Temple Church,[8] where his mailclad effigy may yet be seen. No words of praise can be found too high for the statesmanlike government of William Marshal the elder. The final victory of the principles

[1] " de Mareis " ; Ann. Wav. 288.

[2] Ann. Wav. sup. Richard was consecrated on the 2nd July 1217. Honorius had written on his behalf ; *Royal Letters*, I 532. For more of Gualo's doings see W. Cov. II 241. On a recent occasion he had imprisoned thirteen clerks for resisting him ; Ann. Dunst. 52.

[3] Ann. Waverley and Dunstable ; Foss, *Judges*.

[4] *Fœdera*.

[5] *Mareschal*, II 284, and note Meyer.

[6] Id. 285.

[7] Id. 289, 290.

[8] Id. 314–316, 322.

of Magna Carta may be largely attributed to him. At that critical juncture a reactionary Minister with the Papacy at his back might have given a totally different turn to the course of affairs.

EPITAPH ON THE REGENT PEMBROKE.

"Sum quem Saturnum sibi sensit Hibernia, Solem
Anglia, Mercurium Normannia, Gallia Martem." [1]

[1] Paris, C. M. III 43 and H. A. II 232. He ascribes the lines "Magistro Gervasio de Melckeleia, optimo astrologo." Ib.

CHAPTER II

HENRY III (*continued*)

A.D. 1219–1224.

Domestic Affairs—Administration of Hubert de Burgh—Henry re-crowned and declared of age—Reduction of the Foreign element—Hostilities with Wales—Expulsion of Fawkes of Bréauté.

DIVIDED in policy and aims as were the leading men in England at the time of the Regent's death, all managed to work on together awhile in seeming harmony. Hubert de Burgh, the Chief Justiciar, led the national party—a party by the way new to English politics—Peter des Roches, the Bishop of Winchester, who had retained the guardianship of the King's person, headed the foreign faction, while Pandulf the Papal Legate lorded it over both. Honorius III understood John's surrender as giving him an unlimited right of interference in all matters English, whether foreign or domestic. His Legate had been instructed in that sense, and, to do him justice, Pandulf acted fully up to the spirit of his instructions. His hand was in everything, from the negotiation of international treaties, to the collection of the county revenues by the sheriffs. "In the name of his master Suzerain and Guardian of the realm we find him writing to the Justiciar and to des Roches as the haughtiest of the Plantagenets might have written to his humblest minister."[1] For the time however, under the circumstances of the country, and the obligations of the dynasty to the Papacy, the "astounding usurpation" had to be endured.

Parties in England.

Pandulf.

In the lull of domestic strife foreign affairs held the field. The Queen Mother Isabel, who had gone back to her native Angoulême, and Geoffrey Neville, the Seneschal of Poitou, were pressing for support against the King's enemies in those parts.[2] The King of Scots was demanding the execution of certain

Foreign Affairs.

[1] Shirley, *Royal Letters*, I xx. "Monemus et mandamus"; or, "Consulimus et mandamus" are Pandulf's usual styles; see Royal Letters for the time, *passim*, and esp. for interference in Revenue Work, pp. 27, 112, 117. The reader should be warned that the "Plantagenet" dynasty came in with Edward IV.

[2] The Dominion claimed by Henry III at this time included Niort, La Rochelle, Saintonge, Limoges, Perigueux and Perigord, Bordeaux, La Réole, Bazas, Dax, Bayonne; *Fœd.* 163. Longnon in his map A.D. 1223 does not give England

agreements understood to have been entered into with King John. Llewelyn, with Cardigan and Carmarthen in his hands, had attained to a commanding position even in South Wales, and was threatening to give trouble; while the truce with France would expire at Easter 1220. This last matter was urgent; as of course England was in no position for waging war. On the other hand Philip II himself might be thought to have enough to do to consolidate the vast but scattered additions, so recently made to his Kingdom. As a matter of fact he had made common cause with the Albigensian Crusaders, and his son Louis had gone to join Amauri of Montfort, eldest son of the fallen Simon, in an attack on young Raymond VII.[1] Philip therefore had his hands full, and bowed readily to the Papal monitions in favour of peace with England. Negotiations were opened, and on the 2nd September safe-conducts for French envoys to come to England were sealed.[2] For the defence of the Dominion in Aquitaine 1,000 marks—borrowed from the men of Bordeaux—with another 1,000 marks borrowed from La Rochelle, were sent to Hugh le Brun of Lusignan, Count of La Marche, to whom the care of English interests in those parts was confided;[3] while Pandulf went down to hold conferences with Alexander II and Llewelyn.[4]

France.

All ran smoothly. On the 3rd March 1220 the truce with France was renewed for four years from Easter Day (28 March), on the footing of the *status quo*.[5] The country thus having been safeguarded against attacks from without, if not from commotions from within, it was judged expedient to re-crown the young King at Westminster, and with all due state, as if once more to assert his position, and cheer the spirits of the nation, after long years of confusion and misery, by the sight of a festive pageant. Details were settled at a Grand Council held by Pandulf at St. Paul's on the 4th April; of course a Papal warrant was produced—nothing could be done without that—and Whitsunday, 17th May, was fixed for the ceremony.[6] As a fitting prelude Henry on the eve laid the foundation stone of the Lady Chapel at Westminster, the begin-

King re-crowned.

Saintonge, but he does give a wide strip along the Pyrenees, including all Bearn, Bigorre and Comminges. The Dominion evidently marched with Perigord and the Agenais; *R. Letters*, I 26.

[1] Simon of Montfort, the Albigensian leader, had fallen by what might be called a natural death, killed under the walls of Toulouse, 25 June 1218; Martin, France, IV 107; Louis was engaged in the siege of Toulouse 16 June–1 August, 1219. Id. 107, 109.

[2] *Fœdera*, I 156.

[3] *Fœdera*, 155, 156; *R. Letters*, 43–45.

[4] *Fœdera*, 157; *R. Letters*, 38, 39.

[5] *Fœdera*, 158, 159.

[6] W. Cov. II 144.

ning of the noblest monument of his reign, New Westminster Abbey.[1] Langton, who had been out of England in 1216, was able now to officiate. But we hear little of the proceedings at the coronation, beyond the fact that they passed off in the greatest peace and harmony. On the other hand we have the name of the Confessor King associated with the Regalia for the first time ;[2] and we also have the first official list of the *insignia*, to confirm the accounts of previous coronations, namely crown, spurs, rod, sceptre, and ring ; tunic, dalmatic, and mantle, all complete.[3] The day ended with the usual banquet in Westminster Hall, the entertainment being on a scale of unprecedented liberality.[4] On the morrow the Baronage did homage, and clergy and laity granted a carucate of two shillings on the hide, or rather on the plough-team in actual operation,[5] for the needs of the Crown.[6]

From Westminster the King was taken to York to meet the King of Scots, and discuss his demands, which had reference to proposed matrimonial alliances between the two Kingdoms. In 1209, under a treaty executed between William the Lion and King John, the Scots King's daughters Margaret and Isabel had been placed in John's hands, virtually as hostages, but under an engagement that suitable marriages should be provided for them in England.[7] The Scots maintained that the understanding was that one of John's sons should marry the Lady Margaret.[8] The English Government, however, was not prepared to recognize the obligation. But on the 15th June a treaty was sealed, by which Henry not only undertook to marry his eldest sister Johanna or Jeanne, just ten years old, to Alexander, as soon as he could get her into his hands ; but also pledged himself to find husbands for Alexander's sisters.[9] With respect to the Lady Jeanne the case was this, that in 1214 she had been betrothed to the younger Hugh le Brun, tenth of his race, now Count of La Marche, the man who years before was to have married her

Scottish Demands.

The King's sister Jeanne.

[1] 16 May. Paris, *Cr. Maj.* III 59, *H. A.* II 242 ; R. Cogg. 188.

[2] "Archiepiscopus regem scemate et diademate regis Edwardi insignivit" ; W. Cov. sup. Later we hear of the chalice and paten of the Confessor, and later again of his staff ; Wickham Legg, *Coronation Records*, xxiii., xxv.

[3] Wickham Legg, sup. from the original at the Record Office.

[4] The stores ordered included 40 oxen, 200 deer, 4,000 chickens, and 1,000 gallon pitchers ; Rot. Claus. 416, 417. At Richard's coronation we only heard of 1,900 chickens ; *Angevin Empire*, 269.

[5] "De qualibet caruca sicut juncta fuit in crastino Beati Johannis." Select Charters, 343. The plough-teams at work would be the practical evidence of the land under cultivation.

[6] *Select Charters*, sup. ; Ann. Dunst. 57, 60 ; Winton ; Waverley.

[7] See *Angevin Empire*, 422.

[8] See Alexander's subsequent assertion to that effect, *Fœdera*, 233.

[9] *Fœdera*, 160 ; Wendover, IV 64.

mother. After her betrothal Jeanne, according to the practice of the times, had been placed under the charge of the family of her affianced husband. But her engagement had now been nullified by the act of her mother Isabel, who had gone back to her first love and married Hugh herself.[1] Henry therefore might dispose of his sister's hand, if only he could induce his mother and her husband to part with a card that might be played to such advantage.

Re-marriage of Isabel of Angoulême.

Three weeks later the young King was invited to assist at an ecclesiastical function of a splendour and importance absolutely unprecedented in England, being nothing less than the Translation of the remains of the hero of the mediæval Church, 'the glorious martyr Thomas of Canterbury.' These were to be removed from their original resting place in the crypt of the cathedral to a more suitable abode behind the high altar, in a shrine, for the adornment of which gold, silver, precious stones, and all the taste and skill of an artistic age had been expended. On the 7th July the ceremony took place; the year being the 50th from the time of the martyr's death, and the day—as Archbishop Langton was careful to point out—that of the burial of King Henry II. Vast was the concourse of distinguished personages, both from home and abroad. All the world had been invited, and ample notice given, as the Papal Bull for the Translation had been issued eighteen months before.[2]

Translation of Remains of Archbishop Becket.

But in the brief interval between the sealing of the matrimonial treaty at York, and the Translation of the sainted Archbishop at Canterbury, Henry had to wage a short campaign against a rebellious subject, such was the state of England at the time. Chief of the turbulent foreigners, the insubordinate servants of the Government, who gave it so much trouble, was the titular Count of Albemarle or Aumâle, William of Forz de Oleron, a Continental Baron of the worst type. Unstable as water, in 1215 he had been the last to join the Runnimede Barons, and the first to

A troublesome Baron.

[1] See Isabel's announcement of her marriage, *R. Letters*, I 114; and Henry's congratulations, the latter dated 22 May 1220; *Fœdera*, 160. I as well as others have been perplexed between the two Le Bruns, IX and X, in consequence of the death of the former having been placed by the Art de verifier les Dates under the year 1208, where it seems clear that he died at Damietta in 1219; *R. Letters*, 33, note.

[2] See Ann. Waverley, 293 and the extract from Langton's Tract on the Translation there given; also W. Cov. II 245; Wendover, IV 65; Paris, *Cr. Maj.* III 59; R. Cogg. 188. The shrine was the work of Walter of Colchester Sacrist of St. Albans and Elyas of Durham, Canon of Salisbury. It was destroyed by Henry VIII; but the outline, worn by pilgrims' knees, is visible on the existing pavement. For the Bull see *Fœdera*, 164. The cost of the whole affair involved the See in debt for years.

desert them; rewarded for his devotion by the confidence of the Government, his attitude since John's death had been thoroughly troublesome and disloyal. In November (1219) proclamations had been issued in six counties, denouncing him as excommunicate for having held a tournament at Brackley; and for fortifying Sauvey Castle in defiance of royal prohibitions.[1] The Pope, apprised of the state of things in England, had been issuing orders requiring all bishops and others occupying royal castles or royal demesnes to surrender them; and again, forbidding any man to have the charge of more than two royal castles at once.[2] From York the King's retinue was led to Rockingham Castle, a fortress that Aumâle refused to surrender, another force being sent against Sauvey. High and low, we are told, pressed forward to join in the work of reduction. But the garrisons in both places, ill-prepared, and taken by surprise, at once surrendered their strongholds.[3]

William of Aumâle.

After such overt acts of treason it might be supposed that decrees of outlawry, and forfeiture against the excommunicate Count would have followed. But the Government was not strong enough, or sufficiently united in purpose for such a step; and Aumâle was able to attend the Christmas Court held at Oxford; but only to go off immediately afterwards in fresh revolt, his action being understood to have the underhand support of the foreigners, and specially of three notorious adventurers, Fawkes of Bréauté, Philip Marc, and Engelard of Cigogné.[4] Hastening down to his castle at Bytham[5] in Lincolnshire, Aumâle began to victual it with supplies forcibly carried off from Edenham, Deeping, and other places in the neighbourhood;[6] we also hear of attempts on Newark, Sleaford and Kimbolton.[7] Pandulf and the bishops then fulminated a fresh anathema against the Count (circa 13 January); but meanwhile he had seized Fotheringay, a fortress that was understood to be in the King's hand. We also hear of a preposterous circular issued by him, proclaiming his peace to all merchants and traders.[8] Till then it would seem that Aumâle's friends had been able to avert any effectual measures against him. But now the Earl of Chester, recently come home from the Crusade, and the Earl of Pembroke, William Marshal the younger, came forward to insist on action. Chester felt personally aggrieved

[1] *Royal Letters*, I 56.
[2] Id. 121, 535; May, 1220.
[3] 28 June, W. Cov. II 245; Wendover, IV 65.
[4] For notices of those men and the others denounced by the Runnimede Barons see Turner sup. 248, etc.
[5] On the river Glen, 5 miles South of Corby.
[6] Wendover, 66; Paris.
[7] Ann. Dunst. 63.
[8] W. Cov. 247.

by the occupation of Fotheringay, as being part of the heritage of his nephew, the young Earl of Huntingdon, John "le Scot" son of the late David.[1] Troops were called out, the Council granting a scutage of ten shillings on the Knights' fee.[2] On the 3rd February the King unmasked his batteries against Bytham; in five days the place succumbed. But its rebellious lord had escaped to his estates at Skipton in Craven.[3] Eventually however he was apprehended at Fountains Abbey by the Archbishop of York and a party of Northern Barons, and brought to the King, who, out of regard for his past services, was induced to pardon him, on condition of his going on pilgrimage to Holy Land.[4]

Reduction of Bytham.

A Pardon.

Encouraged by this success the Government could now take further steps towards enforcing the Papal decrees against plurality of castles in subjects' hands. The Earl of Pembroke, William Marshal the younger, was a man of loyal and patriotic antecedents. But the mere extent of his possessions in England, Ireland, and Wales was a danger to the State. His brother Richard had succeeded to the Giffard estates in Normandy conceded to their father; foreign princes and discontented nobles at home were courting their alliance; the Earl had been offered the hand of the sister of Robert Bruce, Robert, Fifth of the name, father of the future Claimant, a man whose chief interests lay North of the Border. Under these circumstances, it was thought prudent to couple a request for the surrender of the ancestral holds of Marlborough and Ludgershall,[5] with the offer of the hand of the King's sister Eleanor.[6] It was said that the Earl in closing with the offer stipulated that the like treatment as to castles should be meted out to other magnates. Accordingly proceedings were taken against Peter de Maulay, a Poitevin and one of Fawkes' men, by which he was forced to surrender Corfe Castle, with all the precious objects deposited there by King John, including the person of a possible competitor for the Crown, the hapless Eleanor of Brittany. In like manner Engelard of Cigogné was made to give pledges for the delivery of Windsor Castle, when demanded.[7] Again, the pro-

William Marshal the younger.

Resumption of Castles.

[1] David brother of William the Lion died 17 June 1219 leaving as his heir his son John by Maud sister of the Earl of Chester; Fordun, 281.

[2] *R. Letters*, 169, 170; Rot. Claus. I 448, 450; Stubbs.

[3] *R. Letters*, 171.

[4] Wendover, 67, 68; Ann. Worcester, 413.

[5] For the doings of their grandfather John Marshal at Marlborough see *Foundations*, II 392.

[6] April (?). See the later despatch to Rome, *R. Letters*, I 244, explaining the policy of the marriage; see also Id. 161.

[7] May–June; Calendar Patent Rolls, 321; Ann. Dunst. 68; R. Cogg. 190; W. Cov. II 250, 260; the last Fawkes' version of the proceedings.

Ousting of Foreigners.

motion of another Poitevin, Hugh of Vivonne (Vienne), to be Seneschal of Poitou, Aquitaine and Gascony, enabled Bristol Castle to be placed in native hands.[1] A Royal progress to York, for the marriage of the King's sister to Alexander, enabled the Government to make safe of the castles of Oxford, Northampton, and Nottingham ; [2] while the Earl of Derby was called upon to surrender Bolsover and the Peak.[3]

The Count of La Marche, now in right of his wife, Count of Angoulême also, had made some difficulty about surrendering the Lady Jeanne, but under ecclesiastical pressure had given her up.[4] She had not yet completed her eleventh year ; but on the 18th or 19th of June she was married to the King of Scots, Walter Gray the Archbishop of York, officiating. Langton again happened to be abroad.[5] At the same time Hubert de Burgh in recognition of his great services received as his fourth wife the Lady Margaret, sister of the Scottish King.[6]

Royal Marriages.

Langton had gone to Rome in the previous autumn on affairs of the English Church.[7] Part of his business must have been to press for the recall of Pandulf, whose presence could not fail to be as irritating to the Archbishop as to the Chief Justiciar. Appointed to the See of Norwich in 1215,[8] the Legate had avoided consecration ; apparently to escape making profession to the Primate, Honorius having ruled that, so long as he was only Bishop-Elect, he owed no obedience to the Metropolitan.[9] Langton was successful, as we are told that he even obtained a promise that during his life no Legate should again be appointed to England. Pandulf did not wait to be superseded, but placed his resignation in the hands of the Canterbury Suffragans in July. On the 15th of August Langton came home, and then Pandulf took his final departure, ostensibly charged with "an impossible mission to Poitou." [10] Shortly afterwards the atmosphere seemed still further

Recall of Pandulf.

[1] *Fœdera*, I 164 ; Ann. Dunst. 64. Gilbert of Clare Earl of Hertford, or as he is commonly styled by anticipation Earl of Gloucester, was to have the place ; *R. Letters*, 90.

[2] Dunst. 69. The Constables were not actually removed but trusty men were placed under them to control them.

[3] Rot. Claus. 502 ; Stubbs.

[4] *Fœdera*, 161, 164 ; *R. Letters*, I 159, 536. Hugh wanted to keep her as security for the assignment of Isabel's dower, that was still withheld. The matter was settled in 1222 ; *Fœd.* 166–168.

[5] Jeanne's dower was assigned on the 18th June (sponsæ nostræ), *Fœdera*, 165 ; so too Fordun, 288 ; the Melrose Chronicle however gives the 19th as the day.

[6] Chron. Melrose ; Paris, *Cr. M.* III 67.

[7] W. Cov. II 246.

[8] Id. 223.

[9] *R. Letters*, xxv.

[10] Ann. Wav. 295 ; W. Cov. 250 ; Ann. Dunst. 75 ; *R. Letters*, sup.

cleared by the retirement of the Bishop of Winchester, who took the Cross. Hearing, however, of the loss of Damietta, he "contented himself with a pilgrimage to Compostella." [1]

But the troubled year was not to end without a rupture with Wales, and a Royal expedition to those parts. Llewelyn and the Earl of Pembroke had been at war since the previous year (1220).

War in Wales.

The Welsh Prince, under cover of some commission that he had contrived to extract from the English Government, had invaded Pembrokeshire, and compelled the people to renounce the Marshal and attorn to him, as "custos" for Henry during his minority; just as he had managed to occupy Cardigan and Carmarthen. Summoned to England to account for his proceedings he had failed to appear.[2] In April (1221) Pembroke, landing at St. Davids with forces raised in Ireland, had not only recovered his hold on Pembrokeshire, but also driven Llewelyn from Cardigan and Carmarthen, reinstating the Southern chieftains Maelgwn son of Rhys, and his grand-nephew young Rhys son of Gruffudd son of Rhys.[3] Turning his energies in another direction Llewelyn then attacked the lord of Brecon, Reginald of Braose, son of the unfortunate William, laying siege to his castle at Builth. Reginald's appeals for succour could not be ignored. An army was taken to Builth. The siege was raised; to be followed by a devastating march to the town of Montgomery, where it was judged expedient to build a new fort, on a better and stronger site, the old castle of the days of Earl Roger being probably out of repair.[4] The campaign ended with a truce to Easter, 1222, taken between Llewelyn, Pembroke, and de Braose, the war being treated as simply an affair between them.[5]

The dangerous foreign element had been weakened, but not crushed or eliminated. It had now found a head in the Earl of Chester, who till then had supported de Burgh. About the middle of January 1222 Langton found it necessary to convene a meeting of barons, ecclesiastical and lay, to bring the Earl to terms with Salisbury and the Justiciar. An immediate collision was avoided, but from that time Chester "ranked himself among Hubert's enemies." [6]

[1] September, Ann. Wav. and Dunst. sup.

[2] See the whole story rehearsed, *Fœdera*, 164; and *R. Letters*, 141–144, 150.

[3] Annales Cambriæ; cnf. *Brut y Tywisogion*, 303, where the reinstatement of Maelgwn and Rhys is given as the act of Llewelyn; Rot. Claus. I 476.

[4] September, Wendover, IV 71, 72; Paris; Lewis, *Topog. Dictionary*. Wendover speaks of a scutage of 2 marks, but the only scutage of the year was that of 10*s*. for the siege of Bytham.

[5] *Fœdera*, 166.

[6] W. Cov. 251; Bp. Stubbs, *Const. Hist.* II 34. The Pope had heard that civil war in the North was feared, and wrote to the Archbishop of York to avert it; *Fœdera*, 167.

By the retirement of the Legate Langton at last found himself in the full and free exercise of his authority as Archbishop. To signalize his episcopate, he held a grand Provincial Synod at Osney near Oxford on the 17th April, when the decrees of the Fourth Lateran Council were published, with additional Canons for the regulation of the English Church.[1] Among these we may notice the following. Perpetual Vicars not to be endowed with less than 5 marks (£3 6*s.* 8*d.*) a year, except in Wales (cc. 15, 16); clergymen's 'concubines' to be refused the Sacraments, and kept out of the churches (c. 28). Jews not to be allowed to have Christian servants in their households (c. 39); but to be obliged to wear a badge on their breasts, namely a strip of cloth of a different colour from the rest of their garments (c. 40).[2] But the incidents of the Synod in which the chroniclers seemed to take most interest were certain judicial proceedings, painful to tell of, especially in connexion with a name entitled to such respect as that of Stephen Langton. Five cases were brought before the Archbishop and clergy for trial. One was that of a priest accused of murder; another that of a deacon charged with sacrilegious theft; the third culprit was an apostate deacon, who, for love of a Jewish maiden, had forsworn his cloth and creed, and conformed to Judaism. The fourth and fifth on trial were layfolk; the one a man who had inflicted on himself the *stigmata* of the crucified Christ; the other a woman claiming to be the Virgin Mary. The punishments awarded to the different offenders are very noteworthy. The homicidal priest and the thieving deacon were simply degraded inside the church, and then turned loose on society, to commit further crimes, on the system vindicated by Becket. The apostate deacon was degraded outside the church, and then handed over to the secular arm, to be burnt alive, this being perhaps the first *auto da fé* enacted on English soil.[3] The two lay impostors were condemned to imprisonment for life in Banbury gaol.[4] These proceedings, of course, were in entire accord with the spirit of ferocious orthodoxy preached by St. Dominic, whose disciples, by the way, had first landed in England in the previous year.[5]

Synod of Osney.

"Liberty of the Church."

Again, in the course of the summer, we get illustrations of the turbulence of the times, and the unsettled state of popular feeling, in

[1] W. Cov. II 251; Ann. Waverley; Paris, *Chron. M.* III 73. Wilkins, Conc. I 585.

[2] See Wilkins, Conc. I 585.

[3] The *Liber de Antiquis Legibus*, however, records the burning of an "Ambigensis," i.e. an Albigensian in London in 1210.

[4] W. Cov. II 251; R. Cogg. 191; Ann. Waverley, 296; Dunstable, 76; Wykes, 63. Bracton, De Legibus Angliæ, 123, cites the case of the deacon as the leading precedent on the subject of apostasy.

[5] Ann. Worcest. 413.

A Wrestling Match

connexion with riots in London. The disturbances grew out of wrestling matches between the Londoners and the men of Westminster, the tenants of the Abbot. The City men having had the best of it, the Abbot's steward challenged them to a return match, offering a ram as a prize. The day (1 August) ended in a sanguinary fight, the Abbot's men attacking the others with weapons of war, and driving them helter skelter back to their walls. Such an outrage could not be allowed to end there. The bell was tolled, and a public meeting held. Serlo le Mercer, the Mayor, urged a pacific deputation to the Abbot, to demand satisfaction. But one Constantine Fitz Athulf, a rich man and a popular leader, called for an immediate attack on the premises of the Abbot and his steward; and forthwith led the people to the assault. But he gave a political character to his proceedings by sounding the French war-cry, *Montjoie! Desaie! Louis!*[1] The steward's house was sacked, and the Abbot driven to escape by water. De Burgh on hearing of the disturbance hastened to the Tower, and summoned the chief citizens to give account of the uproar. Constantine was bold enough not only to confess, but to justify his proceedings; whereupon the Justiciar without further ado gave him in charge to Fawkes; and next morning had him sent round quietly by water, to be hung at 'the Elms,'[2] doubtless the historic elms at Tyburn. A nephew and the crier who had sounded the treasonable war-cry, suffered with him. Judicial measures against the minor offenders followed.[3]

and its consequences.

The year 1223 opened with a Grand Council at Westminster, at which the question of Magna Carta and its validity would seem to have been raised. According to Roger of Wendover William Brewer brought down on himself a sharp rebuke from Stephen Langton for venturing to suggest that the Charter had been extorted by force, and would not be binding. The King then, we are told, in the frankest manner, declared that every jot and tittle of what he had sworn to, should be observed, and therewith gave immediate orders for a general inquest as to the liberties granted by him.[4] As a matter of fact, the inquest directed was one as to the late King's rights before the war with the Barons,[5] so that the Government must have been meditating some tampering with the concessions of the Great Charter.

Magna Carta questioned.

[1] "Montis Gaudium, adjuvet Deus et dominus noster Ludovicus."

[2] "Ad Ulmos."

[3] Paris, *Cr. Maj.* III 71; *Hist. Angl.* II 251; Ann. Dunstable. The City Liber de Antiquis Legibus simply remarks that Constantine was condemned without trial. Serlo was dismissed from the Mayoralty which he had held for five years. He had also been Mayor in 1215.

[4] Wend. IV 83, 84, copied by Paris in both works.

[5] *Fœdera*, I 168, 30th January.

The indomitable Llewelyn had been repulsed but not subdued. The truce between him and the March lords had been extended to Easter 1223 (23 April). As soon as it expired, if not before, the Welsh Prince was up again; and once more made himself master of Cardigan and Carmarthen, putting the garrisons to the sword. In fact the English settlement was in a defenceless state. Reginald of Braose had died in the previous year;[1] while the Marshal was in Ireland, contending with Hugh de Lacy. This man, banished by John in 1210, had now been allowed to return to England, but not to Ireland.[2] The Earl, hastening back to Wales, promptly recovered the lost towns, repaying Llewelyn in kind by butchering his men. Advancing to Kidwelly Marshal defeated the Welsh Prince's son Gruffudd, following this up by a cruel raid Northwards.[3] A lull in the operations must then have ensued. But the Prince was in communication with the Earl of Chester and other English malcontents, and his attitude was so defiant, that on the 13th July a royal army was put in the field, under the Earls of Salisbury, Essex, and Pembroke.[4] Their advance, as usual in Welsh wars, found itself beset with difficulties, while the Prince ventured to destroy Kinnersly in Shropshire, a Castle in the King's own hands. For this attack on a man under special Papal protection he was excommunicated by Langton. This blow brought him to his knees. He met the King at Montgomery, and there on the 8th October made his submission, undertaking to render such satisfaction as the Archbishop of Canterbury should prescribe as the price of his absolution.[5]

War in Wales.

In July a great European personage had been removed from the scene. On the 14th of that month Philip Augustus died, somewhat suddenly, at Nantes, in the fifty-ninth year of his age.[6] He was not a great man, but he had accomplished great things. He had trebled the extent of his effectual dominions,[7] and assured the future of the Kingdom of France. All Europe felt affected by his death; no country more so than England, where, as we have

Death of Philip II of France.

[1] Calendar Patent Rolls. His castles were taken into hand.

[2] Ann. Cambriæ; Calendar Patent Rolls, 301, 378; *R. Letters*, I 183, 184.

[3] *Brut y Tywysogion*, 312; Wendover, IV 84. The Welsh Chronicler states that William Marshal landed on Palm Sunday, and recovered Cardigan on Easter Monday. If so Llewelyn must have drawn the sword before Easter. Perhaps he took the truce to expire on the day of the renewal, 3rd April.

[4] Calendar Patent Rolls, 407. Ann. Dunst. and Tewkesbury. Chester's nephew and heir John le Scot was married to a daughter of Llewelyn.

[5] Ann. Dunst. 83; Calendar, 411; *Fœdera*; Walter of Hemingburgh, I 263. See also the Pope's Bull ordering Llewelyn's lands to be laid under Interdict; *Royal Letters*, 212. A scutage of 2 marks on the Knight's fee was raised for the war. Rot. Claus. I 570, 571.

[6] Le Breton, Bouquet, XVII 115; Chron. Turon. Id. XVIII 303.

[7] Compare the maps of France at his accession and at his death in Longnon's *Atlas Historique*.

seen, his son's name could still be looked to as a rallying cry. The truce of 1220 was still good for a year. But the English Government, thinking to profit by the opportunity, promptly addressed invitations to the Norman Barons to return to their old allegiance.[1]

English Pretensions.

Stephen Langton, and the Treasurer Eustace of Fauconberg, recently appointed Bishop of London, were sent over to see what they could extort from the weakness of the new King. It had been intended that they should assist at the hallowing of Louis VIII and his consort Blanche of Castile (6 August). But they came too late, and were received by the King at Compiègne. In the name of their master they demanded the restitution of Normandy and the other lost provinces. The request was as futile as ungracious; but Louis asked to be allowed to defer his answer till November.[2] In due course Pandulf, now consecrated Bishop of Norwich, and John of Fountains, Bishop of Ely, were sent over to hear what Louis had to say.[3] But in the meantime he had tested his position by a tour through his dominions, including Normandy, Anjou, and Touraine. Finding his position safe, when the English envoys appeared, he flatly rejected their demands, hinting that if an opportunity should offer itself he might re-assert his own claims on England.[4]

The Church was still as wholly bent on the prosecution of the war for the recovery of the Holy City as ever. Earlier in the year a grand Council had been held in Apulia, at which both Honorius and the Emperor Frederic II had assisted, together with John de Brienne, King of Jerusalem in right of his wife. The object of the meeting of course was to beat up funds and recruits for the Crusade. From Italy King John passed on to France, and England. He was received with all honour at Canterbury and in London, but he did not succeed in raising much money.[5] In anticipation of his coming, Henry in the previous autumn had induced the Council to call for a general contribution for his benefit; earls were asked to give three marks, barons one mark, knights a shilling and freeholders a penny. But the levy came to nothing.[6]

The King of Jerusalem.

The close of the Welsh campaign was followed by a final trial of

[1] 23 July, *Fœdera*, 170.

[2] R. Cogg. 197; Rot. Claus. 575; Chron. Turon. 304; Foss, *Judges*.

[3] Calendar Patent Rolls, 412.

[4] R. Cogg. and Chron. Turon. sup.; Ann. Dunst. 81; Wendover, IV 86. The English writers claim the restitution on the ground that Louis had sworn to make it under the treaty of Lambeth. But there is not one word of that in the treaty; and the Regent was only anxious to get Louis out of England at any price.

[5] W. Cov. II 252; Ann. Dunst. 80, 81, 85; R. Cogg. 193.

[6] Rot. Claus. 516 b, 567; Pauli; Ann. Wav. 296. The clergy however were being pressed for a twentieth; Ann. Tewkesb. 64; Osney, 80.

strength between the disorderly elements and the Great Justiciar, the honest servant of the Crown. On the 1st October Henry completed his sixteenth year, an age at which Royal Princes were commonly knighted, and declared adult. In view of the event de Burgh had procured letters from the Pope, declaring the King of age and able to act for himself.[1] Llewelyn was not the only man who had evaded the previous orders requiring the surrender of royal castles,[2] under the pretext that he was keeping them for the King, till such time as he should come of age. Hubert, fresh from his Welsh campaign, thought himself strong enough to act on the mandate, and to make a beginning ordered Walter de Lacy to yield Hereford Castle.[3] The Opposition Earls Chester and Aumâle, with whom we now find the young Earl of Gloucester associated, taking alarm, demanded an interview with the King. De Burgh shut him up in Gloucester Castle, warning the malcontents to keep off.[4] Then, being apprised of a design of theirs on London, to anticipate their action, he carried Henry to the Tower (28 Nov.). Having missed their *coup* the Earls fell back to Waltham. Hitherto we have found Fawkes acting with de Burgh, and in fact employed by him, as his right hand man and executive officer. Now, with Brian de l'Isle and other satellites of his own, he appears as acting openly with the mutinous lords.[5] The situation was so alarming, that on the 6th December Langton and the Bishops convened a meeting in London, to bring the malcontents to their duty. They protested of course that they had no complaint to bring against any one but the tyrannical and designing Justiciar. A violent altercation ensued between Hubert and des Roches, who, having returned from his pilgrimage to Compostella, threw himself entirely into the cause of the Opposition. Langton, however, quieted matters for the moment by proclaiming a six weeks' truce to the 20th January 1224.[6]

The King declared of age.

Domestic Disaffection.

Action of de Burgh and Langton.

Meanwhile however Berkhampstead and Colchester were taken into

[1] *Royal Letters*, I 430; Wendover, IV 88; Ann. Dunst. 83, etc. No apparent limitations are put on the King's authority; he is to have "regni sui dispositionem, . . . liberam et quietam," the Chancellor is to apply the seal "secundum beneplacitum ejus" . . . nothing is to be sealed "præter voluntatem ipsius."

[2] *Fœdera*, 171. These decrees may have been renewed now, as all the writers couple them with the declaration of Henry's majority; but nothing of the sort appears on the Papal Bull as we have it.

[3] 15 Nov. *R. Letters*, 508; W. Cov. 261.

[4] W. Cov. sup.

[5] Ann. Dunst. 83, 84; Calendar Patent Rolls.

[6] Ann. Dunst. and W. Cov. sup., Fawkes' report to the Pope; also Henry's letter, *R. Letters*, 225.

hand, and recovered for the King. Then the malcontents having announced an intention of keeping Christmas in force at Northampton, one of Fawkes' seats, de Burgh at once fixed on the place for the King's court, whereupon the 'schismatics' retired to Leicester. The King's Christmas was ultimately attended by overwhelming numbers,[1] as Hubert claimed to have the support of the Earls of Salisbury, Pembroke, Surrey (William of Warenne), Derby, Essex (William of Mandeville), Norfolk (Hugh Bigod II), Warwick (Henry of Beaumont), Hereford (Humphrey of Bohun), Arundel or Sussex (Wm. of Aubigné IV), Robert fitz Walter, Robert de Ros, etc., etc.[2] On the 26th December Langton and the Bishops once more excommunicated all disturbers of the realm. Yielding to this combination of spiritual and physical pressure, on the 29th of the month the disaffected barons came to Northampton, and made their submission.[3] Next day Letters Patent were sealed requiring five and twenty castles to be handed over to new keepers. Randolph of Chester was required to deliver Shrewsbury, Bridgenorth, and Lancaster; Fawkes had to quit Oxford, Northampton, and Hertford; Cigogné to part with Windsor and Odiham; a few days later des Roches was required to resign the forts at Winchester, Porchester, and Southampton, as well as the sheriffdom of Southampton. To pacify the Opposition however, and keep up an appearance of fair dealing between de Burgh and his opponents, he and his partizans were made to go through the form of surrendering their fortresses,—usually to the Bishop of the diocese, as for example Dover to the Archbishop, Rochester to its Diocesan, and so forth, the Episcopal constables being ultimately relieved by more efficient laymen.[4] Corresponding changes in the sheriffdoms took place also.

Victory of de Burgh.

Resumption of Castles.

Such sweeping changes could not be effected in a day. It is clear that one man at least, the chief captain of the foreign legion, Fawkes of Bréauté, John's favourite, whom he had raised from poverty to riches, and made 'as good as an Earl' by marrying him to a Countess,[5] maintained a most defiant attitude, refusing to part with either Bedford or Northampton, while, in addition to the strongholds already named, he was actually in charge of Carisbrook, Christ Church Hants, and Plympton.[6] As Sheriff

Fawkes of Bréauté.

[1] Dunst. sup.

[2] See Hubert's letter recommending them to the Pope; *Fœd.* 171, 18 Nov.

[3] Dunst. sup.; Wendover, IV 92; cnf. Fawkes' story, W. Cov. 262.

[4] See the list, *Royal Letters*, 508, 509, from the Patent Roll.

[5] "Comiti parificavit"; W. Cov. 253. Fawkes was married to Margaret daughter and heiress of Warine Fitz Gerald, and widow of Baldwin of Redvers; but she was not really a Countess, as her husband died before his father Baldwin Earl of Devon; *Complete Peerage*; R. Cogg. 205.

[6] Calendar Patent Rolls, 427, 429.

he had the control of seven counties, namely Cambridgeshire, Huntingdon, Northamptonshire, Oxfordshire, Beds, Bucks and Rutland.[1] But for an audacious outrage he might have kept the Government at bay indefinitely; especially as Peter des Roches and the Earl of Chester openly sided with him, and he evidently had considerable influence at Rome.[2] Like the Bishop of Winchester and the King himself, and so many others, he had taken the Cross, and therefore claimed all the immunities of a Crusader.

The excitement and confusion in domestic politics had probably diverted the attention of the Government from foreign affairs. The truce with France would expire on the 14th April. But it was not till the 28th of the month that we find envoys accredited to France, to treat for a renewal. Nothing came of their mission. On the 15th May Henry had to warn the seaports that England was in a state of war with France.[4] To concert measures for the defence of Poitou a Grand Council was appointed to meet at Northampton, on the 16th, June.[5] At that very time the royal Justices in Eyre were holding assizes at Dunstable. Natives were beginning to regain confidence in the law, to the extent of asserting their rights as against usurping foreigners, till recently under court protection. Judgment had been given against Fawkes in no less than sixteen actions, for wrongful occupation of land or the like.[6] Thereupon his brother William, Constable under him of Bedford, had pounced down on the Court, and carried off one of the Justices, Henry of Braybroke, as a hostage. At the report of this insult to the majesty of Crown and Law, Fawkes, who was at Northampton, was cited to appear and answer on the morrow. He fled to the friendly Palatinate of Chester. The assembled Council then without further ado adjourned to Bedford, where Braybroke was imprisoned. On the 20th June a regular siege began, the garrison asserting the old feudal rule, that, without the consent of their immediate lord they were not bound to surrender to the King, and that permission, apparently, Fawkes refused to give.[7]

A Royal Justice carried off.

Siege of Bedford Castle.

Bedford Castle had been strongly fortified, garrisoned, and victualled, and all the resources of the country had to be drawn upon for its reduction. The clergy excommunicated Fawkes by name, with all

[1] List of Sheriffs (Record Office).

[2] See his confident appeal to Honorius, W. Cov. 259; and the Pope's letters on his behalf. Id. 272; *R. Letters*, 543, 544.

[3] *R. Letters*, 221, 222.

[4] *Fœdera*, 174.

[5] Wendover, IV 94. Henry signs there on that day, Rot. Claus. I 605.

[6] So Henry's letter to the Pope, *R. Letters*, 225. Wendover doubles the number.

[7] *R. Letters*, 225, 226; W. Cov. 253, 264, 265, Fawkes' statement to the Pope; Wendover, 95; Dunst. sup.

his men, and granted the King an Aid in men and money, namely 6*s.* 8*d.* from each hide of land in demesne, 2*s.* from tenants' lands, and two men from each hide.[1] Munitions of war, materials, and provisions were ordered up from all quarters. For nearly eight weeks stone-thrower and catapult pounded the walls; slingers and cross-bowmen, posted on a moveable turret, swept the battlements;[2] while miners from the Forest of Dean sapped the foundations, under cover of a mighty Cat.[3] The place was literally taken by inches, Henry having vowed to hang all found in it. Four successive storming assaults had to be given. In the first the barbican was carried; the second resulted in the capture of the outer bailey, with a rich store of horses, arms, and provisions. In the third assault a piece of wall contiguous to 'the old tower' having been undermined the inner bailey was won.[4] The Keep remained, but that again was mined. On the 14th August the pitprops were fired; the walls began to crack, while the garrison were stifled by the smoke from below. 'About Vesper-time' they hoisted the Royal flag,

Surrender of Garrison.

surrendering at discretion. Fawkes' wife the 'Countess' Margaret, Justice Braybroke, and other non-combatants were allowed to pass out at once. Next morning, the rebels were brought before the King's judgment seat, when upwards of eighty of them were condemned and hung, but not till their souls had been saved by absolution from the consequences of their excommunication by the Bishops. Three Templars found among them were of course set free.[5] Keep and outer fortifications were ordered to be razed, the inner bailey to be dismantled, and then delivered to the rightful owner, William of Beauchamp.[6] Fawkes had already surrendered. The Bishop of Coventry[7] had visited him in Cheshire, and promised terms. On 12th August a safe-conduct was granted to him to come to Northampton, to settle the conditions of his absolution.

Fawkes comes in

These simply were the entire surrender of all his castles, goods, and possessions, real and personal, in England or Poitou. On these terms on the 25th August he was relieved of his censure by Langton, but under circumstances, as Fawkes alleged, of a most humiliating character. A sermon was preached over him, in which he was held up to execration, as a public curse (*flagellum terræ*).

[1] Wendover, sup.; *Fœdera*, 175. Henry promised that the grant should not be drawn into a precedent.

[2] "Petrarias, mangonellos, berefridum nostrum," Rot. Claus. 619.

[3] "Machina quæ vocabatur Cattus"; Ann. Dunst. Wendover speaks of "due testitudines quas Gallice Brutesches (*leg.* Bretesches) appellant"; 97.

[4] "Forinseca ballia . . . interior ballia."

[5] Ann. Dunst. 87, 88; W. Cov. 267, 268, Fawkes' statement, where he raises the number of those executed to 97. See also R. Cogg. 206, 207.

[6] Rot. Claus. 362; *R. Letters*, 236.

[7] Alexander Stavensby, consecrated on the previous 14 April. *Reg. Sacrum.*

and is banished. For nine weeks more he was detained under the charge of the Bishop of London, till everything had been wrung out of him. On the 26th October, at last, he received his safe-conduct to leave England, and departed, 'as penniless as he had entered it.' [1]

But his troubles were not ended yet. Landing at Fécamp he was arrested by Louis' orders, and detained at Compiègne.[2] Liberated on the plea that he had taken the Cross, he made his way **His ending.** to Rome, laid the case already referred to before the Pope, and obtained letters from Honorius on his behalf, along with the appointment of a special agent, the subdeacon Otho, to intercede for him in England and France.[3] Returning from Rome he was again arrested by a personal enemy in Burgundy, and put to the ransom.[4] Finally he died in 1226 at St. Cyriac a broken man.[5] He left an only daughter, subsequently married to Llewelyn.[6] The name of this remarkable adventurer still lives among us, perpetuated at Vauxhall, Fawkes' Hall, "*La Salle Fawkes*," the suburban residence established by him on the banks of the Thames.[7]

Money Grants. The grants made by the Canterbury clergy for the siege of Bedford were supplemented by a general carucage of two shillings on the hide, with a scutage of two marks on the Knight's fee.[8]

[1] So W. Cov. 266–270; *R. Letters*, I 235; Calendar Patent Roll, 478; Ann. Osney, 66. But Fawkes still had 11,000 marks in deposit with the Templars in London, money that the King could not touch without an order from the Pope; *R. Letters*, 313.

[2] W. Cov. II 254; Wendover, 103 (wrongly given under the year 1225); Ann. Dunst. 89; and the undated report to Henry, *Fœd.* 176.

[3] W. Cov. 272–274.

[4] *R. Letters*, 264, 269; and the letters evidently from Cardinal Romano, *Fœdera*, sup.

[5] Ann. Dunst. sup.; Osney, 67; Wendover, 137.

[6] Foss, *Judges*. Fawkes' family were not persecuted. His wife Margaret remained in England, in the enjoyment of considerable property; while two brothers Colin and Gilbert received pardons; *Fœdera*, 175; Calendar Patent Rolls, 513; Rot. Claus. I. 635.

[7] Archæological Journal, IV 275.

[8] Paris, *Cr. Maj.* III 88; Rot. Claus. I 640, II 10.

CHAPTER III

HENRY III (*continued*)

A.D. 1224–1227.

Continued Administration of Hubert de Burgh—Foreign Affairs—Loss of Poitou—Death of Louis VIII and accession of Louis IX—Truce with France—Temporary Retirement of Peter des Roches Bishop of Winchester.

In April 1224 the truce with France had expired, as already mentioned. Louis VIII at his accession had his thoughts turned towards the prosecution of the horrible Albigensian Crusade, and aggrandisement at the expense of the Count of Toulouse. But Raymond VII, Henry's cousin, was making his peace with the Papacy, agreeing to give no more shelter to the 'heretics.'[1] The preparations therefore made for war against Toulouse were utilized for war against Poitou. On the 25th June Louis moved out of Tours, invading the territory of the Viscount of Thouars,[2] the chief English feudatory of Northern Poitou. He was forced to sign a convention, agreeing to turn French, if not relieved within a year. Niort and Saint-Jean-d'Angeli were then quickly reduced; while on the 15th July siege was laid to La Rochelle. Savary of Mauléon had succeeded Hugh of Vivonne as Seneschal of Aquitaine in April 1222.[3] But the English Government, with its strength fully taxed in asserting its own position at home, could send him no help. On the 3rd August he opened his gates, as the English thought, with suspicious readiness.

Louis invades Poitou.

The fall of La Rochelle involved the submission of Saintonge, Angoumois, Limousin, Perigord, all the territory to the line of the Garonne; Henry's step-father led the advance, reducing La Réole, and even crossing the river to capture Bazas. But Bordeaux, Bayonne and Gascony still remained to the English.[4]

Fall of La Rochelle.

The state of affairs in Aquitaine, and the importance of making an effort to recover lost ground, was laid before the Magnates assembled

[1] R. Cogg. 191; Ann. Dunst. 90, 91; Martin, *France*, IV 120.

[2] The *vicomté* of Thouars included all to the West of the river Touai, say the departments of Deux Sévres and Vendée.

[3] Cal. Patent Roll.

[4] Chron. Turon. sup. 305; *R. Letters*, I 231, 236, 238; Paris, *Cr. M.* III 83; Dunst. 86, 91; Martin, *France*, IV 121. Petit Dutaillis, *Charles VIII*, 238–247.

for the Royal Christmas Feast of 1224, held at Westminster, when a provisional consent to a money grant was obtained. The details were settled in a Grand Council held on the 2nd February 1225, when clergy and laity agreed to a grant of a Fifteenth of moveables, in consideration of a fresh re-issue of the two Charters, Magna Carta and the Forest Charter of 1217. This confirmation was demanded, the King now being deemed of age, to remove any questions that might be raised on the score of his minority when the previous confirmations were granted.[1] It has been pointed out that on this occasion a change in the enacting words was made, Henry no longer granting the concessions 'by the counsel of the Barons,' but, 'of his own good will' (*bona voluntate nostra*), as if claiming to legislate of his own authority.[2] The alteration might be considered in keeping with de Burgh's evident policy of enhancing the royal prerogative. It is right however to state that the renewed Charters were duly proclaimed, county by county, and that extensive disafforestations took place; a relief of which prompt advantage was taken, in the way of felling timber, and clearing land that previously had to be left untilled and waste.[3]

A Fifteenth granted.

The Charters re-proclaimed.

The Fifteenth of 1225 marks an era in our financial history. The readers of the earlier portions of this work will have heard of the Saladin Tithe of 1188;[4] of the Seventh from Barons in 1203; of the Thirteenth from clergy and laity in 1207.[5] But of the yield of either of these taxes nothing has come down to us. Now with the fuller system of Records introduced while Archbishop Hubert Walter held the Great Seal we have full information both as to the mode of assessment and the produce of this Fifteenth. From the Patent Roll we find that practically the tax was only levied on farm produce not to be consumed on the premises, and goods for sale. Not only are all weapons, jewelry, furniture, books, riding horses, farm horses exempt, but even all stores in larder or cellar. So with regard to the slender stock of the agricultural villein. Each man would be assessed on his own oath, with those of two of his neighbours; disputes to be settled by reference to a jury of twelve; the money to be paid in by parishes, and delivered to commissioners named by the King.[6] The clergy of

The Fifteenth, how assessed.

[1] W. Cov. II 256; Ann. Dunst. 93; Wendover, 99, 100; Ann. Waverley, 300. The parochial clergy resisted the grant at first, but under pressure from Pope and Archbishop they submitted.

[2] Bishop Stubbs, *Const. Hist.* II 37; *Select Charters*, 344.

[3] Wendover, 100, 103, 104. All forests created since the first coronation of Henry II, the date fixed by the Charter, were to be suppressed; Paris, *Hist. Angl.* II 269; Ann. Worcester, 417.

[4] See *Angevin Empire*, 236.

[5] Id. 400, 413.

[6] *Fœdera*, I 177; *Select Charters*, 346.

course claimed special machinery of their own. Even the Cistercians and Premonstratensians were taxed, but at lower rates, while extra sums were extorted from the Jews.[1] As for the yield of the Fifteenth an entry on the Red Book of the Exchequer, a work emanating from that office, tells us that it brought in £57,838 13*s.* 6*d.*[2]

A Force sent to Gascony.

With the prospect of a full Exchequer, an expedition to Aquitaine could be fitted out, without any disagreeable call for compulsory service abroad. The man selected to act as ostensible leader was the King's brother Richard, who had just completed his sixteenth year. To fit him for the post he was knighted in this same Council (2nd February 1225), while a few days later he was created Earl of Cornwall and Count of Poitou.[3] His uncle Longsword and Philip of Aubigné were appointed to assist him; but the numerical strength of the force was very modest, just seventy-seven gentlemen, Knights, or Esquire men-at-arms, receiving safe-conducts for the voyage.[4] On the 23rd March the Earls received their final commission at Southwick, and sailed the same day. In due course they landed at Bordeaux, La Rochelle now being in French hands. No attempt was made to reconquer any part of Poitou; their efforts being prudently directed towards strengthening their hold on Gascony.

The Campaign.

On the 2nd May Richard wrote home to say that he had been admitted to Bazas and Saint Macaire, and that in fact all Gascony was with him, except La Réole.[5] The reduction of this stronghold—destined to witness many a struggle between French and English—proved a lengthy business, and was not accomplished till the 13th November.[6] The chief incident of the siege was a repulse inflicted on the Count of La Marche, who had finally broken with England. Coming with a force from Poitou for the relief of La Réole, he was intercepted by an ambuscade in a wood, and discomfited, with the loss of all his baggage. The capture of Bergerac on the Dordogne may be taken to mark the Northernmost point of the territory brought under English control.[7]

Concurrently with these operations negotiations for a renewal of

[1] W. Cov. 257; Ann. Waverley, 300.

[2] Red Book, III 1064.

[3] Wendover, IV 100, 101; Calendar Patent Rolls, 507; *R. Letters*, II 262.

[4] Calendar Patent Rolls, 573–575; "Milites LXX" Ann. Winton, 84. A reinforcement of twenty *milites* went out in September, Calendar, 539. On the other hand the sums of money transmitted were very considerable, amounting to more than £10,500. Id. 523–49. £1,000 were contributed by Alexander II. For stores *R. Letters*, 263.

[5] *Fœdera*, I 178

[6] Chron. Turon. 310, Pauli; cnf. Ann. Worcester, 417.

[7] Wendover, 102; Ann. Dunst. 94.

the truce had been carried on, through a Papal Legate then in France, namely Romano, Cardinal of St. Angelo.[1] But Louis, satisfied that his adversary was not in a position to maintain the war for any length of time, rejected all overtures. His immediate purpose, however, was again directed towards a renewal of the Albigensian Crusade, to which he was being incited by Honorius, who, cruelly ignoring all Raymond's offers of submission, was bent on his utter ruin.[2]

Diplomatic efforts.

The King's Hand.

That the English Government felt in an isolated position is clear from the efforts they were making to contract alliances. The King's hand, as the best card at their disposal, was being hawked up and down Europe. In the first instance Envoys were sent to Germany to treat for a double matrimonial alliance; one between Henry and Margaret, daughter of Leopold VI Duke of Austria; the other between the King's sister Isabel and another Henry, the King of the Romans, son of Frederic II. But the German Princes were unable to come up to Henry's requirements. The end of it was that the Emperor's son was married to the daughter of the Duke.[3] Another consort suggested for the King was Yolande, daughter of Peter "Mauclerc" of Dreux, Duke of Brittany, a man, of course, who might at any moment be ready to lend a hand against the King of France.[4] But, before anything definite had been settled with regard to this connexion, Henry was made to offer for a Bohemian princess,[5] daughter of Premislas II. This again came to nothing. A non-matrimonial treaty however was effected with Toulouse; but the Earl of Cornwall was directed, for obvious reasons, to keep the compact strictly secret.[6] Lastly we may notice, as proof of the anxiety to clutch at any alliance, that when, suddenly, a feeble elderly impostor raised his head in Flanders, pretending to be the Emperor—Count, Baldwin VII, the hero of the Fourth Crusade, who disappeared in Bulgaria twenty years before, the right hand of fellowship was promptly held out to the man, without any real enquiry as to the validity of his pretensions.[7]

The Earl of Cornwall remained for a while in Gascony, in charge of affairs, receiving from his brother liberal reinforcements in men and

[1] See the several commissions to treat, Rot. Claus. II 43b; Calendar Pat. R. 545, 580, 601; June–August, Chron. Turon. 308.

[2] See Martin, *France*, IV 122–125.

[3] February–November; *R. Letters*, I 249–260; Pauli, I 548–553; Boehmer, J. *Fontes*, II 357, 360; Rot. Claus. II 72b.

[4] *Fœdera*, 174, 180; Rot. Claus. II 34; *R. Letters*, I 295. Peter had been admitted to the old Earldom of Richmond in 1219; deprived of it in 1224, and was now again partly restored; Doyle, *Official Baronage*.

[5] *Fœdera*, 182, 184, 185. [6] Id. 179.

[7] *Fœdera*, 177; Ann. Dunst. 94. The Pretender was suppressed by Louis, acting on behalf of the Countess Jeanne, daughter of the real Baldwin, and put to death. Martin, IV 123.

End of Earl Longsword.

money.[1] His uncle of Salisbury, worn out with age and infirmity, obtained leave to return in October (1225). On his voyage home he was nearly shipwrecked, and forced to land on the Island of Rhé, where he was in danger of being captured by Savary of Mauléon, established at La Rochelle. The weather however improving he got away, and finally landed in Cornwall about Christmas, to pass away in two months' time, among the primitive earthworks of his castle at Old Sarum (6th or 7th March, 1226).[2]

The Papal Nuncio, the subdeacon Otho, accredited to England to plead for the rehabilitation of Fawkes of Bréauté, had been in France since the autumn, Henry's agents there doing their best to keep him from crossing the Channel.[3] If we may trust official records, he was not allowed to come over till the 13th March (1226); a vessel to take him back again being ordered within the week.[4] Fawkes' affair however was not the only business with which he was charged.[5] He had to enquire about arrears of the Papal rent; and was bearer of letters to the bishops and clergy, asking that a considerable slice of the revenues and preferment of the English Church should be placed at the disposition of the Holy See. Honorius asked for a prebendal stall in each cathedral church, with corresponding concessions from all collegiate churches, monasteries, and episcopal estates. The modest request was justified on the plea that it would enable the officials of the *Curia* to dispense with the fines and fees of which clergy visiting Rome on business complained so bitterly.[6] Fawkes' case was disposed of very easily; he had been lawfully banished for high treason, and was entitled to no consideration.[7] The matter of the Papal rent was also settled, namely by the payment to Otho of £1,057 13*s.* 4*d.*, with a statement of account to be laid before the Pope, showing that nothing further was due.[8]

A Papal Envoy.

Demands on English Preferment

That the demand for the prebends was evaded or resisted is clear; but the exact line taken by the clergy, and even the simple facts of Otho's visit are quite uncertain. Roger of Wendover, who offers the

[1] See the Close Rolls for the year; on the 8th May 1226 500 Welshmen were sent out, and 100 more on the 26th; pp. 110, 117; money was sent frequently. Richard remained in Gascony till May 1227, a truce with France having been signed at last; Wendover, 137.

[2] Rot. Claus. II 83; Wendover, 105–107, 116; cnf. Ann. Dunst. 98, 99. For the date of the Earl's death, Doyle, *Official Baronage*; and G.E.C., *Complete Peerage*.

[3] See *Royal Letters*, II 264–270, August–September.

[4] Rot. Claus. II 102.

[5] For the Pope's letter on behalf of Fawkes see W. Cov. II. 272–274.

[6] See the letter dated 28 January 1225. W. Cov. II 274. Wendover gives a very garbled and incorrect summary.

[7] Wendover, IV 108, 117, 118, copied by Paris without alteration or correction.

[8] Rot. Claus. II 149; 24 March.

only detailed account, has it that the Nuncio came over about the end of 1225, and obtained an appointment for a public audience on the 13th January 1226; that his letter was then produced, but an answer evaded on the ground of the absence of the King, who was ill; an adjourned meeting being fixed for the 29th March,[1] with a subsequent adjournment till 'after Easter.'[2] Here, apart from the evidence of the Close Roll that Otho did not come over till March, we may point out, that the Pope's letter was not addressed to the King at all, and that he was not directly concerned in the matter. Wendover goes on that Otho employed the interval between the meetings in a visitation tour of the monasteries, exacting a 'procuration'[3] of two marks from each House. While on this round he was presented at Northampton with letters of recall, obtained by Langton, and so went off.[4] Finally however it seems fairly established that a Provincial Synod was held in London on the 4th May;[5] and that the resolution adopted was that the matter concerned the lay patrons as well as the clergy; and that for themselves, as the Pope was making the same demands of other countries, besides England, no answer could be given without the voice of a General Council.[6]

Rejected.

Papal exactions, and the intrusions of foreign adventurers, will be found the sources of most of the troubles of the later years of the reign. In the resistance to both evils the clergy took the lead; partly, as has been pointed out, from their superior political intelligence; partly also because they were the men, who, in the matter, had "most at stake."[7] Somewhat oddly the year ended with a grant to the King by the inferior clergy of a Sixteenth of their ecclesiastical revenues, under orders from Honorius.[8] He had probably called for the contribution to secure Henry's assent to the grant of the prebends: the clergy paid it to reward the King for his help in resisting it.

Clerical Grant of a Sixteenth.

Meanwhile Louis VIII had been carrying out his Albigensian projects. On the 28th January (1226) Raymond VII had been formally excommunicated in Paris by the Legate Romano, and his dominions adjudicated to Louis. This transfer was based on an arrangement effected with Amauri of Mont-

Louis VIII in Languedoc.

[1] Pp. 114–117. [2] P. 123.

[3] A procuration was a composition in lieu of entertainment.

[4] Wendover, 123. Matthew Paris does not add or correct any one statement, simply copying.

[5] Osney and Wykes, 66; W. Cov. II 279; Dunstable, 99.

[6] Osney-Wykes and Dunst. sup. Wendover, 124. W. Cov. sup. gives a refusal on the ground of the existing Papal rent. See Wilkins, I 539.

[7] Shirley, *R. Letters*, I xxvi.

[8] 13th October; Ann. Osney-Wykes, 67, 68; Rot. Claus. II 143; *R. Letters*, I 299; Wilkins, Conc. I 605.

fort, son and heir of the late Simon ; to whom Toulouse and Narbonne had been assigned by the Fourth Lateran Council. The Crusade was assiduously preached throughout Gaul, the Dominican Friars taking the lead ; Henry was warned by the Pope not in any way to molest or interfere with Louis. On the 17th May the French King found himself at Bourges, at the head of an overwhelming army, all the great feudatories having gathered round his standard ; but more, it must be said, from fear of Papal censures than from sympathy with the cause in hand. From Bourges Louis moved to Lyons, an Imperial city, where he received a check, the citizens refusing to give him a passage through their streets. In a fury he vowed to reduce them by force. For three months the siege was pressed, at a frightful loss of life, from sickness and want of supplies, the country having been cleared beforehand by Raymond. On the 10th September the city yielded. Provence had already submitted, without striking a blow ; a march in force through Septimania brought the submission of Nimes, Narbonne, Castres, Albi. The King turned when within a few miles of Toulouse, where the Count was established, conscious that he could do no more that year. Louis disbanded his forces, purposing to return in spring, to complete his conquest. But the hand of death was upon him. On his way home he fell ill, at Montpensier in Auvergne, and there he died, on the 8th November. With his last breath he commended to his subjects' care his little son Louis—the future St. Louis—aged twelve, whom he left to them, with the boy's mother, the heroic Blanche of Castile, to act as his guardian.[1]

His Death.

Three weeks later Louis IX was hallowed at Reims (29th November). The gathering was of course a brilliant one, but nevertheless marked by the absence of important personages, such as Theobald IV of Champagne, Peter of Brittany, and Hugh of La Marche and Angoulême. The late campaign had been fertile in differences between the King and the Magnates, who refused to follow him beyond the forty legal days of service ; while now demands for the redress of certain grievances were being preferred, and specially petitions for the release of Count Ferdinand or Ferrand of Flanders,[2] and Reginald of Dammartin, ex-Count of Boulogne, both of whom had been taken prisoners at the Battle of Bouvines, in 1214, and kept in fetters ever since.[3] At the report of these dissensions the hopes of the English began to rise. The Archbishop of York and

Louis IX King.

[1] Martin, *France*, IV 125–131 ; Pauli, I 559–561 ; Wendover, IV 124–129 ; Ann. Dunst. 101 ; Chron. Turon. 314–337.

[2] Count by virtue of his marriage with Jeanne, daughter of Baldwin VII. See *Angevin Empire*, 431, note, and 438.

[3] Wendover, IV 135, 136.

Walter Mauclerc Bishop of Carlisle [1] were sent over with authority to make the largest offers to the Viscount of Thouars, and Hugh le Brun and Queen Isabel ; [2] while Brittany might be supposed to have been secured by the pledge already given to marry his daughter.[3] But the energy and tact of Blanche frustrated all their efforts.

Blanche of Castile.

To bring the malcontent barons to order, she called for a general muster at Tours in February (1227). A counter-muster was attempted at Thouars, the Earl of Cornwall attending in force. But the Count of Champagne, won over by Blanche, led his men to Tours, thus breaking up the coalition. On the 16th March Brittany and La Marche, on being summoned, presented themselves at Vendôme, and swore allegiance to the young King.[4] Savary of Mauléon, however, who had received the Earl of Cornwall at La Rochelle in November, remained English.[5] Of course he was a Gascon. On the 22nd of the month a truce to the 8th June 1228 was signed with England ; the Earl of Cornwall was brought home ; [6] and Henry had to fall back on his Bohemian Princess, and an alliance with Germany.[7]

Truce with England.

Meanwhile the King had nominally taken the reins of government into his own hands. In October he had completed his 20th year. At a Grand Council held at Oxford, between the 8th and 10th days of January (1227), he declared himself of full age.[8] What increased freedom of action he would gain by this step does not clearly appear, as no limits had been put on his authority by the Papal letters of 1223 ; [9] and the new Pope Gregory IX, in confirming his predecessor's declaration of the King's majority, simply follows the formula of the earlier decree.[10] According to Roger of Wendover, the King acted by the advice of de Burgh, to get rid of the Bishop of Winchester.[11] Henry had been much led by des Roches, who probably had as much hold on him as any man had. But the King was induced to believe that he could do better without him. So Peter again

The King of full Age.

Retirement of Peter des Roches.

[1] Consecrated in 1224.

[2] 13 Jan. 1227 ; *Fœdera*, 184, 185.

[3] *Fœd.* 180.

[4] Martin, sup. 137, 138 ; Chron. Turon. 319 ; Wendover, 140.

[5] He signs on the English side ; *Fœdera*, 187.

[6] *Fœdera*, 185, 186 ; Wendover, 141.

[7] *Fœdera*, 185, 187. The old alliance with Ferrand of Flanders, now at last set free, was renewed. Ib.

[8] Wendover, 139 ; where the month is wrongly given as February ; Rot. Claus. II 206, 207.

[9] See above, p. 33.

[10] *Fœdera*, I 190 ; 13 April 1227. Honorius died on the 17th March ; on the 20th March Cardinal Ugolino de' Conti was elected, and took the style of Gregory IX.

[11] IV 139.

went off to join the Crusade,[1] while Hubert remained at home, to be raised to the high dignity of Earl of Kent,[2] and to rule England for five years more, as the supreme Minister of the Crown. It has been pointed out that from this time we begin to trace the action of "an inner royal council," occupying a position somewhat analogous to that of a modern Cabinet. There is evidence to the effect that during the minority the Grand Council had been consulted in the appointments to the great offices of State.[3] It is therefore not improbable "that the constitutional doctrine that the King can do no wrong, and that his ministers are responsible to the nation, sprang up whilst Henry was a child, and the choice of his ministers was actually determined by the national Council."[4]

De Burgh supreme.

[1] Rot. Claus. II 104; Ann. Winton, and Tewkesbury.

[2] 11 Feb. Doyle; see the charter, *Fœdera*, I 186.

[3] So Paris with regard to the appointment of Ralph Neville as Chancellor; *Chron. Maj.* III 74, 364, and below.

[4] Stubbs, *Const. Hist.* II 40.

CHAPTER IV

HENRY III (*continued*)

A.D. 1227–1232.

Continued Administration of Hubert de Burgh—Welsh War—Death of Archbishop Langton—The Mendicant Orders—War with France and Expedition to Poitou—Welsh War—Antipapal Riots—Fall of de Burgh.

THE initial measures of the Government as reconstituted were not of a popular character. Their very first act was to call on the commissioners appointed to hold the recent perambulations for an account of their proceedings, in order to ascertain if their disafforestments had been strictly limited to Forests dating since the accession of Henry II,[1] a perfectly legitimate enquiry, but one likely to be misinterpreted.[2]

Taxation.

The next order called for the production of all private charters, for re-sealing and confirmation,[3] as if at the beginning of a new reign, a mean proceeding, by which however a certain sum of money was raised.[4] The Fifteenth of moveables had only just been granted, and the Sixteenth from the parochial clergy was in course of being raised, but, on the top of all that, we hear that heavy tallages on the cities, boroughs, and royal demesnes were being imposed, under the plea of a projected expedition to Poitou,[5] the truce with France not having yet been signed. When the truce was accepted and ratified, the expedition was dropped; but not the collection of the taxes. Deep were the murmurings against de Burgh, as the author of all these demands.[6] As a proof of the stringency of his financial exactions we may cite the amazing fact that the

[1] Rot. Claus. II 169.

[2] As for instance by Wendover, 139, who boldly asserts a revocation of the Forest Charter. No other annalist has any word of this, except Paris, who simply transcribes Wendover's text.

[3] January, 10, 21; Rot. Claus. II 206, 207.

[4] The fines assessed in the year came to £3,791 with £28 1*s*. 8*d*. more assessed in the next year; Fine Roll 11 H. III. Of this money about £2,000 was paid up at once, the balance remaining due; Pipe Roll. Sir T. D. Hardy accepted a statement to the effect that the sum raised amounted to £100,000. *Introduction to Charter Rolls* (!)

[5] Rot. Claus. 208; Wendover, 138, 139.

[6] Wend. 140; Paris, *Hist. Angl.* II 293.

military tenants had been pressed for the scutage of Poitou, called for by John in 1214, and utterly rejected at the time.[1]

A quarrel between the King and his brother, in July, shewed how easily the greater barons could be brought into an attitude of armed rebellion. A certain manor had been given by King John to one Waleran le Tyes, a German mercenary, at one time Constable of Berkhampstead, a man who had retained the favour of King Henry. Richard now claimed the land, as parcel of his Earldom of Cornwall, and proceeded to oust his rival by force. Waleran turning to the King for protection, Richard insisted that the question between Waleran and himself should be referred to the decision of his peers, the Magnates of the Realm, in Grand Council. At the suggestion of an appeal from his authority to that of the Barons, the King lost his temper, and both he and de Burgh became so violent that Cornwall, in fear of arrest, fled by night to Reading. Going down to the West Country, he met the Earl of Pembroke at Marlborough. William took up Richard's cause with ardour, and promptly enlisted the support of the Earls of Chester, Gloucester, Surrey, Hereford,[2] Derby, and Warwick. They met at Stamford, a perfect army, and asked for an audience of the King. He received them at Northampton on the 3rd August, and at once made friends with his brother, conferring on him all their mother's dower lands—now forfeited for her husband's allegiance to France—as well as those likewise forfeited by the titular Earl of Richmond, Peter Duke of Brittany.[3]

Barons in Arms.

Pacification.

Since the submission and absolution of Llewelyn in 1223 no serious breach with Wales had taken place. In fact in 1226 a formal pacification was sealed between the Prince and the Earls of Pembroke and Chester; while Cardigan and Carmarthen were taken out of Pembroke's keeping.[4] But the slightest indiscretion might kindle a fire at any moment. The castle of Montgomery stood on the line of Offa's Dyke. The English garrison wishing to improve their communications with the Welsh interior, and so facilitate the access of supplies, began to widen and clear a road by cutting down a wood, a violation of territory, no doubt. The Welsh flew to arms, drove the garrison to the castle, and besieged them there. Appeals for help brought the King and de Burgh to the rescue. Five miles of forest between Montgomery and Kerry were cut down and burnt; a small Cistercian House at Kerry was

Hostilities with Wales.

[1] Rot. Claus. I 472, 519. So too the de Lacies were called on for heavy fines imposed by John.

[2] Humphrey Bohun; he succeeded his father Henry in 1220; he had also just come into the Essex title and estates, in right of his mother Maud, sister and heiress to William of Mandeville who had died in January. *Complete Peerage.*

[3] R. Wendover, IV 141–143; Rot. Claus. II 196, 197, 198.

[4] Ann. Dunst. 100; *Fœdera*, I 182.

also destroyed. Hubert then proposed to establish a fort on a tempting site there, and the army was set to the work, Llewelyn and the Southern chieftains offering a strenuous resistance. Severe skirmishing ensued, in the course of which William de Braose, the lord of Brecon, who had just succeeded his father Reginald, was taken prisoner.[1] The end of it was that Henry had to abandon 'Hubert's Folly,'[2] as the Kerry fort was nicknamed, and retire, on receiving an apology from Llewelyn, with a fine of 1,000 cows, a moral victory for the Welsh.[3]

In July England had lost the great Primate, to whom she owed so much, Stephen Langton, the scholar, statesman, patriot, and divine; the churchman who could do battle for lay rights. He passed away at his manor of Slindon in Sussex, on the 6th or 7th of July.[4] His integrity equalled his erudition. We have noticed the sternness of his attitude whether in dealing with doctrinal 'apostasy,' or clerical marriage. In 1225 further decrees on the latter subject were issued by him, the penalties being again laid on the offending 'concubines'; Christian burial would not be allowed to them, unless very penitent; after childbirth they might not be churched, without giving security to make 'satisfaction'; parish priests to be bound to report any such women living within their parishes, under pain of suspension.[5] Langton's Canons were long regarded as the bases of English ecclesiastical law. His courage in venturing to withstand so formidable a Pontiff as Innocent III should not be forgotten. On the other hand he had promptly held out a patronising hand to the new Mendicant Orders, the Dominicans and Franciscans, both of whom first settled in England during his primacy. Shortly before his death he had the satisfaction of seeing his brother Simon, ostracized for his action in 1216, brought back to England, and restored to influence and his Archdeaconry of Canterbury.[6] Langton left many sermons, and

Death of Archbishop Langton.

His Ecclesiastical Legislation.

[1] Ann. Tewkesbury, 70. Reginald was son of William, John's victim. The younger William was ransomed by surrendering Builth and engaging a daughter to Llewelyn's son David; Ann. Dunst. 117; two years later William, having been detected in an intrigue with Llewelyn's wife Jeanne or Jeannette, was hung by him; *Brut; R. Letters*, I 366, 368; 2 May.

[2] "Stultitiam Huberti."

[3] August–September; Wendover, IV 172; Ann. Dunst. 110; *Brut*, 316; *R. Letters*, I 334, 335.

[4] Wendover, 170, has it that Langton died on the 9th, and was buried at Canterbury on the 6th July, where as Mr. Luard points out the dates should surely be transposed. Paris in the *Chron. Maj.* repeats the idiotic entry. In the *Hist. Angl.* he gets rid of the discrepancy by omitting the day of burial. The Winton annalist gives the 7th July as the day of the death. Bishop Stubbs in his Reg. Sacrum accepts the 9th July.

[5] Wendover, IV 104.

[6] Ann. Dunst. 107.

commentaries on various books of the Bible, still extant, but never published. He was also given credit for having first divided the Bible into chapters.[1] The only product of his pen however that has found its way into print, apart from a few official letters, to be found in Wilkins' *Concilia*, is the Tract on the Translation of St. Thomas.[2] He was also said to have written a life of Richard I, utilized by Higden.[3]

We have referred to the new Orders of Friars. The Dominicans, as already mentioned, had first landed in England in 1221. The rival Order, or Friars Minors, came over in September 1224.[4]

The Mendicant Orders.

Both made straight for London and Oxford. Domenic Guzman of Calaroga, and Francis Bernardini of Assisi, alike were grieved at the state of monasticism, as they found it. They evidently agreed in ascribing the general corruption, the decay of zeal and purity, to the wealth of the clergy: they were much too rich. Another fundamental defect in the constitution of the most popular Orders of the time was the isolation of the lives they led, seeking the salvation of their own souls, in romantic solitudes, without doing anything for the good of others. A truer type of monk should be content to live from day to day on the offerings of the faithful, given in return for beneficent work among his fellow men. The new Orders were not to be *Monachi*, 'Livers apart'; but *Fratres*, 'brothers' of the people. Domenic, the Spanish bigot, was especially stirred by the freedom of thought, and the exercise of private judgment, in which men around him ventured to indulge.

The Dominicans.

Recognizing what the sectaries whom he sought to crush had gained by the use of the pulpit, he resolved—turning their own weapon against them—that the teaching and preaching of a rigid orthodoxy should be the special mission of his followers, hence known as Friars Preachers, or from the colour of their garments, Black Friars. If only Domenic had been content with moral suasion! Unfortunately his memory also lives as that of the virtual if not the actual founder of the Inquisition. Francis, the man whose heart overflowed with sympathy, and Pauline charity, and compassion for suffering and sorrow, dedicated his disciples to home-mission work, as we should call it, work to be done in the squalid lanes and alleys of the larger towns. A certain affectation of humility induced him to arrogate to his Order the style of Minor Friars, the colour of their habiliment gaining them the alternative name of Grey Friars. St. Francis was understood not to favour

The Franciscans.

[1] So Higden, *Polychronicon*, VII c. 34, ed. Trevisa, Norgate.

[2] Migne, Patrol. Lat. vol. 190, p. 407. The Waverley Annals give an extract.

[3] *Polychron.* VII c. 25. See Miss Norgate's Article in the *National Dict.*

[4] Eccleston, De Adventu Minorum, 1–7 (Monumenta Franciscana, Rolls Series No. 4, Brewer).

study. 'I am your Breviary, I am your Breviary' he was reported to have said impatiently to a novice who asked for a Psalter.[1] A vow of absolute poverty, no doubt, if strictly carried out, would have precluded the possession of books or writing materials. But preaching necessitated theological study, while tending the sick led to medical research, and for learning both Dominicans and Franciscans soon established a European reputation. At Oxford they took a leading position from the first. Of the value of their early work, whether in ministering to the wants of the people, or in setting an example of higher life to the other clergy, it is impossible to doubt. All the men of exalted character are found in sympathy with them. Robert Grosseteste could assure the Pope that the teaching and preaching, and the holiness of the lives of the Franciscans, threw a light over the whole country.[2] The Dominicans, however, never obtained quite the influence in England, or the hold upon the people that the Franciscans did.[3] Both however, alas! were doomed to sink ere long from highest ideals to lowest depths of degradation.

The vacant Primacy.

The vacancy at Canterbury could not be filled without the usual struggle. At first matters seemed to threaten a renewal of the troubles of 1205. The monks, having received the due *Congé d'Elire*, proceeded without further consultation with the King to elect Walter of Eynsham, one of their number.[4] Henry refused to accept him, on sundry grounds, the most substantial, doubtless, being the fact that Walter had taken an active part against the late King during the Interdict. The suffragan Bishops, who, as we have already shewn, had no real voice in the matter, as usual sided with the King. Walter refusing to give way, both parties appealed to Rome. The Elect went in person. The King's case against him was entrusted to Alexander of Stavensby Bishop of Chester Lichfield and Coventry,[5] Henry of Sandford "the philosopher" Bishop of Rochester,[6] and John of Hatoft Archdeacon of Bedford; private instructions being confided to Philip of Arden.[7]

The Pope.

Gregory took time to consider his course of action, giving no decision till he had come to an understanding with Henry's agents with respect to a Tenth that he was demanding from the clergy and laity of England. The contribution in question was being called for, not now for Holy Land, but for the

[1] Green, *Hist. Engl. People*, I 258.
[2] *Letters* R. Grosseteste, p. 180.
[3] J. R. Luard, *Letters* R. Grosseteste, xxiii.
[4] For a long record of the proceedings see Gervase, *Continuation*, II 115–124.
[5] Consecrated by Honorius 14 April 1224; *Reg. Sacr.*
[6] Consecrated 9 May 1227. Id.
[7] Wendover, IV 170; *R. Letters*, I 309. Arden pressed for the appointment of the Chancellor Ralph Neville, Bishop of Chichester.

Pope's private war against the Emperor, who, though under the ban of repeated excommunications, had presumed to achieve considerable successes in Palestine. Gregory, having received an assurance that no opposition to his tax would be offered by Henry, was able to take up the Canterbury question. It would seem that the examination of a clerk before consecration to a bishopric was a usual, but, in general, a formal proceeding.[1] But it might be made a cruel reality, as in the case of poor Walter of Eynsham, who was interrogated by three Cardinals on such delicate questions as the Descent into Hell (*ad infernos*); the process of Transubstantiation of the Eucharist; whether 'Rachel mourning for her children' was at the time actually alive or dead, and the like. On all points Walter's answers were pronounced utterly wrong (*pessime respondit*). His claims therefore could no longer be entertained.

Examination in Divinity.

Bishop-Elect "plucked."

Henry's envoys then came forward with their nominee, Richard of Weathershed, Chancellor of Lincoln, surnamed for his stature, in the Anglo-Norman French of the time, "le Grant." Gregory accepted him, and straightway appointed him, without going thro' any form of canonical election.[2] In Langton's case Innocent had not ventured to dispense with that formality.

Richard le Grant Archbishop.

On Sunday 29th April a Grand Council was opened at Westminster, when sundry matters of importance were discussed.

I. A Papal Nuncio, the chaplain Stephen, appeared with Gregory's letters demanding a Tenth from clergy and laity alike; the envoy explained the situation with regard to Frederic, and how Gregory had to fight single-handed, to vindicate the honour of the Church against a contumacious Emperor. When he sat down the King, by his silence, seemed to indicate assent to the Pope's request. The lay Barons, left to fight their own battle, stood firm, refusing to subject their estates to the domination of the See of Rome.[3] The Bishops and Abbots, less able to face the terrors of the ecclesiastical censures threatened by the Nuncio, after three or four days of struggling, submitted. The money was exacted with unprecedented stringency. Not only were the usual deductions disallowed, but the Prelates were required to pay in advance of their actual receipts. To facilitate the process Stephen had brought in his train

A Papal Tenth.

Refused by Barons.

Conceded by Bishops.

[1] Hook, *Archbishops*, II 114.

[2] See Gregory's letter to the Canterbury monks informing them that 'for once' (pro hac vice) they must be deprived of their rights. *Epp.* II 78 Pauli; 19 Jan. 1229; Wendover, 184–188; Ann. Tewkesb. Dunst. and Osney. Richard was consecrated at Canterbury 10 June; and received his Pallium, brought from Rome by Walter of Cantilupe, 23 November; *Reg. Sacrum*; Wendover, 205; Ann. Dunst. 116.

[3] "Nolentes baronias suas . . . Romanæ ecclesiæ obligare."

foreign money-lenders, prepared to give financial assistance on suitable considerations.[1] Randolph Earl of Chester alone, taking his clergy under his wing, boldly refused to allow the Papal tax-gatherer to enter his Palatinate.[2] On the other hand, Stephen of Segrave, a Justice of the Court of King's Bench at Westminster, was accused of giving underhand support to the Nuncio.[3] This Stephen, an old adherent of King John, had been Constable of the Tower, and was at the time sheriff of no less than five counties,[4] being in fact next to de Burgh the most influential man in the official circle.

Foreign affairs.

II. Another matter that must surely have been brought before the Magnates was the state of relations with France. The truce would expire on the 22nd July. At Christmas the Archbishop of Bordeaux had come over, with messages from the Gascon Barons, urging a visit from Henry in person; while invitations to the same effect had been received from Normandy. But de Burgh had advised the King to begin with peaceful measures.[5] Accordingly, negotiations for an extension of the truce or a peace were opened, and the Bishop of Coventry and Ralph fitz Nicholas, the Steward of the Household, had been instructed to propose a definite settlement, on the basis of a matrimonial alliance—neither King being married—to be accompanied by the retrocession of all the lost English possessions, except Normandy, or at least the cession of Maine, with Anjou North of the Loire.[6] Failing an accord with France, another expedition oversea must have been agreed upon, as, when a little later an army was called out, the consent of the Barons is expressly stated to have been given.[7]

Gascony and Normandy.

III. A further affair that may have been touched upon in the Council, tho' again nothing is told us of it, was the practical revocation of the Forest Charter, which the King had recently attempted. On the 21st February he had issued writs calling for the strictest possible returns of all 'essarts,' and 'perprestures,' clearings of land, falls of timber and what-not committed since the first year of the reign; the returns to be made out as they used to be 'before the grant of the Forest Charter.'[8]

Tampering with Forest Charter.

[1] For the money dealings with Italian firms which culminated in the bankruptcy of Edward III see Mr. Bond's Paper Archæologia, XXVIII 207; also Mr. R. J. Whitwell's Paper, Transactions R. Hist. Soc. N.S. XVII 175.

[2] Wendover, IV 200–203; Ann. Dunst. 114, 115; Waverley, 305.

[3] Paris, *Chr. Maj.* III 187, *Hist. Angl.* II 316.

[4] Foss, II 468; List of Sheriffs.

[5] Wendover, IV 179.

[6] *Fœdera*, I 193–195; *R. Letters*, I 350.

[7] *R. Letters*, 356.

[8] *R. Letters*, 345–348. "Essarts" = 'clearings', and "Purprestures" would include encroachments of any sort.

However, at the end of the year, we find Henry, 'at the instance of numerous complaints,' explaining to the Forest Justices that he intended the Charter to be fully respected, and forbidding them to summon persons not living within the purlieus of a Forest.[1]

War with France declared.

The negotiations with France having failed to obtain even an extension of the truce, war was declared, and a general muster called for to meet at Portsmouth by the 14th October. We are told that the Barons attended in great force, a remarkable circumstance, considering their usual aversion to foreign service. We may attribute the change in their attitude to the fact that the King had condescended to solicit and obtain their advice and assent. Peter of Brittany, who had now again broken with Louis, and renounced his allegiance, came over to concert measures. But the season was obviously too late for sailing. Besides the supply of shipping was found to be quite inadequate, though an embargo had been promptly declared at all the ports. Henry, who was much disappointed, naturally threw all the blame on de Burgh, accusing him of having been bribed by Blanche of Castile; and finally lost his temper, so completely, as to threaten 'the old traitor' with his sword, had not Randolph of Chester interposed to restrain him. The expedition, however, perforce, had to be put off to the spring.[2]

Money Grants.

The lay Barons, when war was declared, had granted a scutage at the extra rate of 3 marks (£2). The clergy had to be approached separately, and were convened for the purpose in a Synod held at St. Paul's, on the 6th October. Adhering to the principle of non-liability to foreign service enunciated by St. Hugh of Lincoln in 1197,[3] they agreed to give the 3 marks, not, however, as scutage, but by way of an extraordinary Aid.[4] To keep an even balance between all classes of the community, the towns were tallaged, and the Jews subjected to extra extortions.[5]

Simon of Montfort.

With these funds in hand, the great expedition could be duly launched. A preliminary muster was held at Reading, at Easter (7th April, 1230). Among those who placed their swords at the King's disposal, was one whose career was destined to be fatefully linked with his own, Simon of Montfort, younger son of the Albigensian leader who fell in 1218. The elder Simon, (younger brother of Amauri Count of Evreux created Earl of Gloucester by

[1] Id. 359.

[2] Wendover, IV 204, 205.

[3] See *Angevin Empire*, 355.

[4] See the record from the Pipe Roll of the year, given by Madox, *Hist. Excheq.* I 607; Pauli; also *R. Letters*, I 394, where Henry promises the Pope that the contribution shall not be made a precedent; April 1231.

[5] Wendover, 209. Apparently a tallage of 6,000 marks (£4,000) was imposed on the Jews in addition to an outstanding demand for 8,000 marks; Madox, I 223, 224; *R. Letters*, I 392.

John,[1]) had been recognized in England as Earl of Leicester in right of his mother Amice, elder sister and co-heir of Robert of Beaumont IV ("fitz Parnell") Earl of Leicester.[2] Simon, however, had been speedily dispossessed by John, on account of his Crusade against the King's brother-in-law, the Count of Toulouse; and the estates, at the time that we have now reached, were actually in the hands of the Earl of Chester. Henry accepted young Simon's offers with alacrity, giving him the handsome pension of 400 marks a year until Leicester could be conferred upon him.[3] On the 30th April the force sailed from Portsmouth for Brittany, the base of operations that had been selected. The Earls of Cornwall, Chester, Pembroke, Huntingdon, Derby, Gloucester, Hereford, and Aumâle were all in attendance, as well as Hubert de Burgh, Philip of Aubigné, and John de Lacy the Constable of Chester. But the muster Roll of the total force of barons, knights, and men-at-arms engaged on the expedition only discloses 275 names.[4] Of the numbers of the footsoldiers taken out, we have no means of forming any estimate. Probably Henry looked to enlisting men abroad; as he took out 7,800 marks of silver (£5,200); besides the crown and regalia.[5] The Home Government was left in the hands of Ralph Neville and Stephen of Segrave, as joint Wardens (*custodes Anglie*), the appointment, as we are expressly told, having been made with the assent of the Barons.[6] The Wardens received the Treasury Seal, to authenticate their acts; the Great Seal going abroad with the King. The Welsh March was left to the care of the March Lords.[7]

An Army for Poitou.

Its Strength.

Regency at Home.

On the 2nd May the King with thirty ships put in at Guernsey, to rest for the night, his sister the countess of Pembroke, having suffered from the voyage; next day they landed at St. Malo; the bulk of the fleet disembarking at a distance, apparently in the Bay of Saint Brieux.[8]

The opportunity was not ill chosen for attacking France. The country was in a state of extreme disorder; the great feudatories were excessively jealous of the Regent Blanche; they aspersed her

[1] See above, p. 15.

[2] Margaret the younger sister married Saer de Quincy, who on the strength of her share of the Beaumont-Grand Mesnil inheritance was created Earl of Winchester.

[3] *R. Letters*, I 362; Bishop Stubbs, *Const. Hist.* II 54.

[4] Calendar Patent Roll 14 H. III 357–362.

[5] An Aid of 2,000 marks had been contributed by the King of Scots; 'but not as a precedent'; Id. 332, 335.

[6] "De communi consilio," etc. Id. 339. For Segrave a Justice and son of a small Leicestershire landowner, see Foss, *Judges*.

[7] Ann. Tewkesb. 74.

[8] *R. Letters*, 362, 364.

fair name with vile calumnies. Only Theobald of Champagne and Ferrand of Flanders stood by her; and the latter was in Henry's pay.[1] Under these circumstances something surely might have been achieved by an able leader. But if any hopes had ever been entertained of Henry's capacity in the field, they were doomed to be speedily dispelled.

Henry III in the Field.

The Duke of Brittany hastened to meet his new lord; did homage to him; gave him free admission to all his castles, and conducted him to Nantes (21st May). At Dinan, on their way to Nantes, they met Queen Isabel, who came on behalf of her husband to see what her son could be induced to offer him. But Henry failed to come up to the terms propounded by the Count, who finally elected to stand with Louis.[2]

On hearing of Henry's landing Blanche had summoned her Barons to meet at Angers, with the young King at their head. Taking the initiative and crossing the border they captured Ancenis, almost within sight of Nantes, where Henry was. But Henry made no offer of battle. He allowed the Earl of Chester, however, to assist the Duke in reducing the strongholds of some petty rebel Bretons. A deputation from Normandy urged an advance in that direction, or at any rate the detachment of a contingent, for operations in that quarter. But Hubert de Burgh resisted both propositions, judging rightly that the King should confine his efforts to Aquitaine, where he had a footing, and substantial allies; such as the Viscount of Thouars and Geoffrey of Rancogne; while Geoffrey and Amauri of Lusignan, having been taken prisoners by the English, had to surrender their castles, and change sides to gain their liberty.[3] All June Henry remained idle at Nantes, to the great mortification of his Poitevin allies, de Burgh refusing to advance, so long as the French army confronted him.[4] But by the end of the month the forty days of feudal service had expired, and then the French Barons went off to ravage the lands of the Count of Champagne, leaving the way open for Henry, who forthwith crossed the Loire.[5] Moving by easy stages, receiving homage from the minor barons, but making no attempt against Poitiers, Niort, or La Rochelle, Henry reached Pons on the 15th July. The siege and reduction of Mirambeau, between Saintes and Blaye (July 21–30), effected with Gascon help, was the solitary success of the campaign; a success however fully balanced by an ignominious

Prudent Tactics.

Operations.

[1] *Fœdera*, 186, 197.
[2] *R. Letters*, 365, 370; Wendover, 210.
[3] *R. Letters*, 377, 378; *Fœdera*, I 196, 197; Wendover, 214, 215.
[4] Wendover, 217.
[5] Id. 211, 212, 213. Henry signs at "Pilemil"; 1 July, Rot. Claus.

repulse from Saintes.[1] From the 5th to the 9th August Henry rested at Bordeaux; from the 26th of the month to the 6th September he was at Luçon (Vendée); and there, abandoning the hope of doing more, he signed a truce.[2] By the 15th September he had returned to Nantes. From the 25th to the 29th of the month he signs at Redon. From thence he wandered, apparently on pilgrimage to the shrines of Breton Saints, away to the wild Atlantic seaboard and the rocks of Armorica, finally embarking at Saint Pol de Léon on the 26th October. Two days later he landed at Portsmouth,[3] little raised in the estimation of his subjects.[4] From the first the campaign had been planned in the interests of Brittany; and now that the King had come home the Earl Marshal and the Earl of Chester were left at Saint-James de Beuvron, on the border of Normandy, to protect Duke Peter.[5]

Truce.

Return to England.

The inglorious campaign, however, did not pass away without considerable loss of life, mainly from sickness brought on by free living. Chief of the notables who succumbed was Gilbert of Clare, Earl of Gloucester and Hertford, who died on the 25th October, just as he was preparing to embark for England.[6] His son Richard being under age his possessions were taken into hand, the emoluments of the valuable wardship being assigned to de Burgh. But Archbishop Richard thought fit to revive the claim to the overlordship and custody of Tonbridge Castle, put forward by Becket in 1163, though the place had been held by the de Clares as tenants in chief at any rate since the time of Domesday.[7] The Justiciar refusing to give way, his men who were in possession were excommunicated. Then the Primate was making some difficulty about the payment of the clerical 'Aid' of three marks; while his mind was much exercised by the contumacy of the abbot-elect of St. Augustine's, Robert of Battle, who refused to be consecrated by him.[8] Altogether Richard resolved to lay his griefs before the Holy Father; and to Rome he went. He complained generally of Hubert's administration, and specially of his attacks on

Archbishop Richard le Grant goes to Rome

[1] Wendover, 216; Wykes, *Political Hist. of England*, III 36, note.
[2] *Fœdera*, I 198
[3] Calendar Patent Roll 14 H. III.
[4] "Sicque rex . . . applicuit pauper et inglorius"; Paris, *Hist. Angl.* II 328.
[5] *R. Letters*, I 385; Wendover, 217.
[6] Ann. Tewkesb. 76, 77; Ann. Dunst. 125; Paris, *Chr. Maj.* III 199.
[7] See *Angevin Empire*, 35.
[8] Wendover, IV 218–220; Ann. Tewkesbury, 77; Waverley, 309; Dunstable, 126. Wendover here speaks of another scutage of three marks as having been voted abroad; Bishop Stubbs accepts his statement but Madox, I 607, and Mr. Hubert Hall, *Red Book Exch.* II clxxxviii, regard the entries on the Pipe Rolls of the 14th and 15th years as referring to the one scutage of 1229. The Pope too, writing to Henry in April (1231), only refers to one Aid of 40 shillings (3 marks). *R. Letters*, I 394.

Canterbury rights; he had also a trumpery charge against him on the ground that one of his four wives had been related to a previous wife. But the Archbishop, we are told, also took the opportunity of calling Gregory's attention to abuses prevalent in the Church in England, such as pluralities, and the employment of Bishops at the Exchequer, and on judicial business, and secular affairs generally, charges for which there was but too much foundation. Roger of Cantilupe had been sent to defend the acts of the Government; but the Pope would not listen to him, declaring that his sympathies were all with Richard. The Primate left Rome well pleased with the results of his mission, but, sad to say, he died suddenly three days later at San Geminiano.[1]

and dies.

But the late Earl of Gloucester, besides great possessions, had also left a young and beautiful widow, Isabel second daughter of the late Regent Pembroke.[2] Her hand was promptly taken up. On the 30th March 1231 she was married to the Earl of Cornwall, at Fawley near Marlow, apparently one of her brother's seats.[3] The latter himself passed away only a week later (7th April).[4] As he left no issue, the succession fell to his brother Richard. But Richard, under a family arrangement effected in 1220, had been admitted, as already mentioned, to the Giffard-Longueville estates in Normandy, which had been conceded to their father in 1191.[5] Richard, therefore, had now become a man of double allegiance, as his brother and his father had been before him.[6] But Henry, or perhaps we should say de Burgh, with his extreme jealousy for all Crown rights, demurred to accepting Richard till he had explained his relations with France,[7] where he had been holding the office of Constable. Richard, as the best mode of reasoning with the King, hastened over to Ireland, to his vast Leinster estates, and soon gathered such a following that Henry, who was again entangled in a Welsh war, was fain to accept his homage and admit him.[8]

Marriage of the Earl of Cornwall.

The Earldom of Pembroke.

Richard Marshal.

Llewelyn had been indulging in a raid of unusual extent upon the possessions of the English in Wales. What provocation he may have

[1] 3 August; *Reg. Sacrum:* Wendover, 220, 225, 226; Ann. Waverley.

[2] *W. Mareschal*, II 171.

[3] Ann. Tewkesb. 78. Abbot Peter married them. Henry was very angry for a time, probably because he had not been consulted.

[4] Ann. Tewkesb. sup. William was buried beside his father in the Temple Church, London.

[5] The Earl received the Norman portion of the Giffard inheritance in right of his wife Isabel de Clare, co-heir of Rohese Giffard wife of Richard of Bienfaite; while the English portion went to Richard de Clare Earl of Hertford, the other co-heir. See the charters given G.E.C. *Peerage*, VI 198–201.

[6] See *Angevin Empire*, 405, note, 416.

[7] *Fœdera*, I 199. [8] Wend. 225; Ann. Dunst. 127.

Welsh Raid. received from Henry's pacific government we know not.[1] Perhaps he was encouraged by the news of the death of his terrible antagonist William Marshal, and the breach between the new Earl Richard and the King. Entering our Montgomeryshire he swept like a firebrand thro' Radnorshire into Brecknock, burning Radnor, Gelli, Aberhoriddhw and Hay. Entering Gwent he reduced Caerleon to ashes; still pushing on, he captured Neath and Kidwelly, finally advancing to take possession of Cardigan. The place had been captured by young Maelgwn, son of Maelgwn son of Rhys, the elder Maelgwn having died.[2] The English annalists tell us that even Church property was not respected.[3] Henry, on the 27th May being at Worcester, as if on the look-out, had issued a safe-conduct for Llewelyn's envoys to meet him on the 3rd June; but by the 25th

War. of the month he had to declare war. On the 30th he summoned the Bishops to meet him at Oxford, to arrange for an excommunication, the proceeding found most effectual against the intrepid Lord of Aberfrau.[4] The King's only other measure was to advance one step across the border to rebuild the dismantled walls of Maud's Castle, in "Elvael," now the Hundred of Colwyn, in South Radnorshire. Two full months were devoted to the work (July–September); and then the King retired, Llewelyn following hard on his tracks as far as Leominster, where he put the historic Priory to

A Truce. the ransom. On the 30th November, however, the victorious Prince condescended to accept a truce for a year.[5]

The feeble Welsh campaign was followed by internal events bearing fresh witness to the disjointed and helpless state of the government, due to the weakness of its head, the King, on whom still, just as much as in Anglo-Saxon days, the working of the whole

Papal Provisions. administrative machine depended. The Papal demand for an aliquot share of all the preferments of the Church in England had been withstood, but the revenues drawn by Italians were considerable, and the grievance, though destined to become greater, was already considered intolerable.[6] These men of course owed their benefices not to the friendly action of English patrons, but to the direct interference of Papal Letters of Provision in their favour. The spirit of resistance to these encroachments gave birth in the

[1] Whether there was any technical truce at the time or not Henry's attitude had been most conciliatory, and continued to be such; *R. Letters*, I 334; a pension of £40 had been granted to Llewelyn's son David; *Fœdera*, 196.

[2] Ann. Camb. 78; *Brut*, 318. Ann. Margan, 38; May, Wendover, IV. 220.

[3] Tewkesb. 79; Dunst. 127.

[4] *Fœdera*, I 200; *R. Letters*, I 401; Wendover, IV 221–223.

[5] Ann. Tewkesb. 79, 80; Wendover, 227; *Fœdera*, 201. It was during his stay at Maud's Castle that the King received Earl Richard.

[6] "Intolerabile . . . gravamen"; Wend. IV 228; Paris, *Hist. Angl.* II 337.

A Secret Society to resist them.

autumn of the year to something absolutely new in English history, namely a great secret society, organized for the purpose of keeping out foreigners from English livings. The association (*universitas*), which was understood to have found support in high quarters,[1] struck a seal, bearing two cross swords, with the motto "*Ecce duo gladii.*" Under this warrant mandates were issued to the bishops, Chapters, and men holding benefices 'at farm' under Italians, forbidding them to pay anything to 'Romans.' Destruction of their crops was the penalty held over their heads in case of non-compliance.[2] Acts of violence followed.

Outrages on Italians.

One Cenci, a canon of St. Paul's, on leaving a Synod held at St. Albans, was seized and carried off for ransom, a fellow-countryman, Giovanni Archdeacon of Norwich, escaping with difficulty.[3] A few days later the barns of an Italian clergyman, at Whippingham in the Isle of Wight, were seized by armed men in disguise, who publicly sold the contents, giving part to the poor. The King at the time was apparently no farther off than Winchester, where he kept his Christmas.[4] Similar outrages were perpetrated throughout the Kingdom, in the early months of 1232. A band of men went about led by a North country Knight, who called himself William Wither, but whose real name was Robert Twenge. The Italians hid themselves in terror. Two Papal messengers carrying Bulls, (probably of Provision,) were intercepted, the one man was killed, the other left for dead; their letters were destroyed. The sheriffs shut their eyes, allowing themselves to be put off with pretended warrants from the King.[5] Gregory addressed vehement remonstrances to the King and clergy, demanding immediate reparation, and the punishment of the offenders.[6] Ultimately Twenge was sent to Rome, and some sheriffs and officials were dismissed; but the number of persons implicated was too great to admit of any real investigation taking place.[7]

These riots sealed the fate of de Burgh. As Chief Justiciar he was primarily responsible for the maintenance of the peace. The dis-

[1] "Magnorum fulcita favore"; Gregory's letter to the English bishops; Ann. Burton, 241. To Henry he ventures to hint at his complicity, most unfairly, no doubt. "Culpam forte alienam, ex dilatione vindictæ refudisse videris in tuam"; *Fœdera*, 204. Henry no doubt would have liked to govern England altogether through a Legate.

[2] See some of these threatening letters, Wendover, 228, 230.

[3] Id. 18 Dec. Ann. Dunst. 128.

[4] Wend. 232.

[5] So Paris, *Chr. Maj.* III 211, for once in a way, correcting Wendover, sup.

[6] See these, dated 7 and 9 June; *Fœdera*, 103; Ann. Burton, 239.

[7] Wendover, 240–242; Paris, *H.A.* II 340; Ann. Dunst. 129. The Bishop of London was actually implicated, and had to go to Rome; Wendover, 263.

Decline of de Burgh's influence.

turbances had lasted too long for any ignorance on his part to be pleaded. In the eyes of the King, whose whole trust was in the Papacy, no dereliction of duty less pardonable could be conceived than that of contempt for the authority of the Pope. Henry's relations with the Justiciar could hardly have been cordial at any time since the scene at Portsmouth in 1229. In June 1230 he was with difficulty restrained from applying for the appointment of a Legate, as if to undermine the position of the Justiciar ; [1] and now once more he had by his side Hubert's old enemy des Roches, to inflame all his jealousy and suspicion.[2] If de Burgh had driven Peter out of England in 1227, the Bishop now managed to turn the tables on the Justiciar. Apart from the matter of the Antipapal riots, the only charge to which Hubert seems really open, is that of neglect of the Welsh frontier. If he was slack in his efforts for the recovery of Poitou, he deserved thanks for that. With respect to the Welsh March it must be said that the view, short-sighted as we must take it to have been, that the wars between the Welsh and the Lords of the English settlements in Wales, were matters concerning them alone, was altogether in keeping with the ideas of the time. Hubert's general policy of England for the English, and of acquiescence in the loss of Normandy must have been quite acceptable to the majority of the nation. But his rigour in the assertion of Crown rights, and the mere length of his tenure of office, must have raised against him a host of enemies.[3] As far as the King was concerned, Hubert had only served him too faithfully. At Christmas the King had been the guest of des Roches.[4] On the 7th March 1232, while the riots were in full swing, the Government received another disagreeable check, by the rejection of a Fortieth, demanded by the King for his expenses in the late war.[5] Randolph

Peter des Roches back.

Money Grant refused.

[1] *R. Letters*, I 379. De Burgh's friends pointed out to him that if he allowed a Legate to come to England he would forfeit the goodwill of the clergy, his chief supporters.

[2] Peter was received at Winchester on the 1st August 1231, and joined the King's camp at Maud's Castle. He was in high feather, having not only made out his pilgrimage to Holy Land, but also, according to his friends, having assisted to patch up the peace between the Pope and Emperor (1230), and also having negotiated a three years' truce with France ; 5 July 1231 ; Ann. Wint. and Dunstable.

[3] Paris, in the *Hist. Angl.* II 277, says that from the year 1225 Hubert, from the nepotism and greed of office of which he, like all the great statesmen of the age, was guilty, began to lose popularity, "licet multa bona antea fecisset." Wendover, whose narrative seems to reflect current opinion, is disposed to carp at de Burgh from that time till his disgrace, and then turns all in his favour. As for greed of office, Becket, Glanville, Hubert Walter were all alike insatiable ; the age knew of no compunctions on the subject.

[4] Wend. 231. [5] Wendover, 233 ; Ann. Waverley, 310.

of Chester flatly refused in the name of the laity, reminding the King that they too had been out of pocket by the expedition. Still all seemed well with de Burgh, and only a few days before the final catastrophe he was appointed Justiciar of Ireland for life (16th June 1232.)[1]

A renewal of Welsh troubles [2] gave a point to the evil suggestions of des Roches, who urged Henry to make himself a King, in reality as well as in name. Suddenly on the 29th July de Burgh was deprived of the Justiciarship, Stephen of Segrave being appointed to succeed him.[3] Stephen was a follower of the Bishop of Winchester. To pave the way for the removal of de Burgh, a Poitevin, Peter of Orival (Charente ?), 'nephew or rather son' to the Bishop, had been named sheriff of no less than sixteen English counties,[4] with the custody of Marlborough and Ludgershall Castles; he had also been given the Treasury, and practical government of Ireland, so as to supersede de Burgh there also.[5]

Fall of de Burgh.

But the ex-Justiciar was still in possession of enormous local and territorial influence. To deprive him of this, Henry proceeded to attack him in the same way that his grandfather had attacked Becket, namely, by requiring him to render impossible accounts of official receipts. The returns were to extend to the past, as well as to the present reign, and to include every source of income, whether from royal demesne, Forests, offices, scutages, subsidies, wardships, Marriages, or the like; or so much thereof as but for Hubert's alleged default would have found its way into the Exchequer. The disorders on the Welsh March, and the outrages on the Italian clergy were specially laid to his charge.[6] In vain Hubert pleaded with regard to the transactions of the late reign, that he had received a full discharge from John. Des Roches answered that the charter would have no validity after that King's death.[7] With regard to the accounts for the current reign, the answer was equally simple; the Treasurer, not the Justiciar, was the man responsible for the Revenue, and all the Treasurers had duly passed their accounts.[8]

Pecuniary Demands.

[1] *Royal Letters*, I 407.

[2] In February Llewelyn was complaining of breaches of the truce committed by Thomas Corbet; in Lent the Welsh burned Kenfig in Glamorgan, and on the 20th July Henry was summoning the Prince to meet him at Shrewsbury; *Fœdera*, I 203–206; Ann. Margan, 39.

[3] Wendover, IV 265.

[4] See *List of Sheriffs*. The appointments were really nominal, as Peter never accounted for any county except Sussex.

[5] See the extracts from the Patent Rolls, given *R. Letters*, I 517–522.

[6] In the proclamation subsequently issued by Henry the riots are made the whole *gravamen* against Hubert; *Fœdera*, 107.

[7] Wendover, 245, 246.

[8] See Paris, Addit. 149 (Wats).

The pecuniary demands seeming insufficient for the King's purpose, a fresh set of charges, amounting to high treason,[1] were produced, as that de Burgh had hindered the King's marriage to the daughter of the Duke of Austria; had prevented him recovering Normandy in 1230; had seduced his ward and sister-in-law the daughter of the King of Scots, and so had prevented her marriage to the King;[2] had intrigued with Llewelyn, and sent him a talisman, purloined from the Royal Treasury, that made him invincible in war; had instigated the hanging of William de Braose by Llewelyn,[3] and so forth. On all these points the King demanded an immediate answer. Hubert, however, with difficulty obtained a respite till the 14th September to prepare his defence, and in the meantime retired from London to the Priory of Merton in Surrey.[4] The King having, by proclamation, called for further information against the ex-Justiciar, sycophants came forward to suggest that he had poisoned various personages, such as the Earls of Salisbury and Pembroke, Fawkes of Bréauté, and the late Archbishop Richard; while the Londoners brought up the case of their citizen, Constantine Fitz-Athulf, executed without trial in 1222.[5]

Further charges.

On the appointed 14th September a Grand Council was duly held at Lambeth. The Bishop of Winchester succeeded in obtaining the grant of the Fortieth from clergy and laity refused in the spring.[6]

A Fortieth granted.

But no de Burgh appeared. The King was informed that, despairing of justice, he had remained under Church protection at Merton. Henry in a fury at once ordered the Mayor of London to call the citizens to arms, and bring Hubert before him dead or alive. The Londoners, glad of an opportunity of revenge, turned out next day in force. But the Earl of Chester, as the last act of his public life,[7] warned the King of the danger of letting

De Burgh in Sanctuary.

[1] "Quasi de crimine læsæ majestatis."

[2] Isabel had been married in 1225 to Roger Bigod, II Earl of Norfolk, a mere boy (*Fœdera*, I 178). But the marriage had been dissolved, and in 1231 Henry wanted to marry her, but was prevented by the Barons; Wendover, 227. Her sister Margaret was married to de Burgh.

[3] William taken prisoner in 1228, and ransomed by the surrender of Builth, was detected two years later in an intrigue with Llewelyn's wife, and publicly hung by the Prince. See above p. 49 note.

[4] Wendover, IV 247. [5] Id. 248.

[6] Wendover, IV 249. Only the temporal holdings of the clergy were to be taxed; and no man not possessed at least of forty shillings in goods was to be made to pay. The tax would be assessed by four elected good men and the reeve of each township (villa integra) under the supervision of royal commissioners, who would receive the money and pay it into the Temple. See the Writ, Wend. sup. 253.

[7] Randolph of Blondeville, as he was called, died at Wallingford *s.p.* 26 Oct.; Ann. Tewkesbury; 28 Oct. Wendover, IV. 256. The Earldom of Chester went

loose the mob; and the rash mandate was recalled.[1] Henry was further induced by Luke, the Archbishop of Dublin, de Burgh's one outspoken friend, to grant him a further respite to the 13th January 1233, to prepare his case. Acting on this concession, as he understood it, Hubert left his sanctuary at Merton to join his Countess, the Lady Margaret of Scotland, who was staying at Bury St. Edmund's. Henry taking fright, sent Geoffrey Craucombe, a Steward of the Household, with a posse to arrest Hubert, and commit him to the Tower. The Earl was resting for the night at Brentwood, in Essex, at a house belonging to the Bishop of Norwich. At Geoffrey's approach he fled to the chapel in his night clothes. There he was found standing at the altar, one hand on the Crucifix, the other on the Pyx. These were wrested from him; he was then dragged from the sanctuary, and carried off to London with his legs tied under his horse's belly.[2] It was said that a blacksmith who had been called in to rivet fetters on the captive refused; he would rather die than shackle the great Earl, who had done such things for England.[3]

But the Church was not prepared to overlook so flagrant a violation of her privileges. Bishop Roger of London[4] waited promptly on the King, to point out the serious nature of the affair, and to threaten censures. Henry was obliged to confess his mistake, and to allow Hubert to be taken back to the Brentwood chapel. To prevent his escape the whole episcopal premises were then surrounded by a ditch and palisade, with a cordon of men to keep watch night and day, the guard being provided by the sheriff.[5] Two attendants were allowed intercourse with Hubert, to provide him with supplies. For forty days, apparently, the legal period, this state of things lasted, the captive meanwhile being pressed with the usual alternatives, namely, of either abjuring the realm, or else submitting to trial. But de Burgh would not stoop to either course. Abjuration would involve utter forfeiture and outlawry; while he denied the existence of any ground for trial at all. He must have known that his friends were working for him, and that already terms had been agreed upon between the King, and the four Earls of Corn-

Law of Sanctuary.

to his nephew John le Scot, son of his eldest sister Maud by David late Earl of Huntingdon; John de Lacy, Constable of Chester, the husband of the daughter and heiress of another sister, had already by a family arrangement been admitted to the Earldom of Lincoln, conferred on Randolph in 1217; Id. and *Complete Peerage*, q.v. for the shares of two other sisters of the late Earl that went to swell the revenues of the earldoms of Arundel and Derby.

[1] Wendover, 249, 250. Paris, Chr. Maj. III 224–226 adds some details.

[2] Wend. 250, 251; Paris, *Chr. M.* 226–228; Liber de Antiq. 6.

[3] Paris, *Hist. Angl.* II 348.

[4] Consecrated in June 1229, in succession to Eustace of Fauconberg the Treasurer.

[5] See the Writ, *R. Letters*, I 523.

De Burgh surrenders.

wall, Surrey, Pembroke, and Lincoln,[1] acting on his behalf. The supply of provisions to the chapel having been at last cut off—presumably at the end of the forty days—Hubert had to yield. He was taken back to the Tower.[2] On the 10th November he was confronted at Cornhill with the four Earls, the Justiciar Segrave, and others, to give in his acceptance of the conditions offered to him. By this compromise, as announced to the public by the King, Hubert in consideration of throwing himself upon Henry's mercy, and surrendering all his treasure, and all estates and offices conferred upon him either by King John or King Henry, would be allowed to retain his other estates. For the time, however, he would be detained at Devizes, under the charge of the four Earls, pending further decision by King and Grand Council;[3] and to Devizes, accordingly, the fallen Justiciar was forthwith sent.[4]

A Compromise.

[1] John de Lacy; see last p. note.

[2] Wendover, IV. 251–253, 256, 257; Ann. Dunst. 129; comparing for this "picturesque episode of mediæval justice," Pollock and Maitland, *Hist. Engl. Law*, II 590.

[3] *Fœdera*, I 207, a statement open to question in several particulars. The original compact with the Earls, the terms of which do not appear, was executed on the 12th October; *R. Letters*, I 408, 410.

[4] Ann. Wav. 311; Tewkesb. 88. On the 13th December Peter of Orival was ordered to reinvest Hubert with all his estates, either of inheritance or of private acquisition, that had been taken into hand. The list is amazing, and suggestive of endless underhand transactions. For an appreciative review of the work done by Hubert see Bishop Stubbs' *Const. Hist.* II 44. He had carried out the principles of the Runnimede Barons; had attached Scotland by a matrimonial alliance; fostered peace with France; strengthened the King's position by marriages with the great House of Marshal; governed England for the English, and done his best to keep down the foreign element.

CHAPTER V

HENRY III (*continued*)

A.D. 1232-1237.

Ascendancy of Peter des Roches—Arbitrary Proceedings—Baronial Opposition—Civil War—Edmund Rich Primate—Dismissal of des Roches—Marriage of King's Sister Isabel to Frederic II—Marriage of the King.

THE fall of de Burgh and the advent to power of Peter des Roches ushered in two years of misgovernment and confusion, soon ripening into civil war, initiated by the King himself. Stephen of Segrave and the Chancellor Ralph Neville were retained in office; but sweeping changes were made in the Household and other departments of State, natives being removed to make room for foreigners. Thus Walter Mauclerc the trusty and experienced Bishop of Carlisle was made to hand over the Treasurership to des Roches' relative (*consanguineus*) Peter of Orival, with a deputy, Robert Passelewe, to do the work for him.[1] That Henry did not intend to respect the Charters is plain from the fact, that, at this very time the Pope was relieving him of the obligation of keeping oaths extorted from him by force, such oaths being—so Gregory held—inconsistent with the King's coronation oath.[2] A dispensation of so delicate a character could never have been granted unsolicited. But, whether with or without the Pope's leave, flagrant illegalities followed. Henry having quarrelled with Gilbert Basset of Headington and Wycombe, spoken of as a follower of de Burgh,[3] confiscated one of his manors, without any form of legal proceeding (*ordine juris prætermisso*). Richard Siward, a man connected with Basset by marriage, met with similar treatment; while yet a third victim, Walter Clifford, fell under the Royal ban.[4] The injured men however found a cham-

Arbitrary Proceedings.

[1] 6 Jan. 1233; Madox, II 33, 34; Wendover, IV 263, 264.

[2] 10 Jan.; *R. Letters*, I 551. The Pope evidently understood the coronation oath as pledging the King to respect not the rights of his subjects, but those of the Crown.

[3] So Ann. Waverley, 313. For Gilbert's father Alan Basset, see Foss, II 216.

[4] Ann. Dunst. 136; Worcester, 425; Wendover, IV 269, 271; Paris, *Chr. M.* III 246; *Hist. Angl.* II 356.

Richard Marshal, Earl of Pembroke.

pion in the new Earl of Pembroke, who came forward to remonstrate. Richard Marshal, in the records of the time, stands portrayed to us as a man of fine person, versatile accomplishments, and charming character and manners; a true Mirror of Chivalry; the envy of the French, the glory of the English.[1] But Richard's protests made no impression on des Roches, who told him plainly that Henry would govern as he pleased, and employ such servants as he pleased.[2]

The Barons.

Forced to take action in defence of constitutional rights, the Barons under Richard's guidance began by a silent but significant protest, ignoring a summons to attend a Grand Council at Oxford, on the 24th June. Robert Bacon, an Oxford Dominican, preaching before the King, told him plainly that he would have no peace, so long as he retained his Poitevin advisers; while another Oxford cleric, bearer of an immortal name,[3] obviously speaking in French, asked the King what mariners at sea had most to fear. The King answering simply 'Sailors know best I suppose'; Bacon replied "*Les Pierres et les Roches.*" Fresh summonses to a Council for the 11th July met with no better response, the Barons retorting with a demand for the dismissal of the Poitevins. A third set of writs were then issued for an assembly at Westminster, on the 1st August. As Henry, following the iniquitous practice of his father, was beginning to exact hostages from suspect persons, and to import mercenaries, the Barons, this time, thought it prudent to attend, but to attend well armed. Among others the Earl Marshal came up to Town, where he was assured by his sister Isabel, the Countess of Cornwall, that if he remained, he would share the fate of de Burgh. He took the hint, and, leaving by night, made off to Wales.[4]

Silent Protests.

Broad Hints.

Armed opposition.

Henry then called for an armed muster at Gloucester on the 14th August. Richard and his confederates, as they were called, Gilbert Basset and his brothers, Siward, and Clifford, having all failed to appear, were immediately outlawed, again without any legal trial; while the King led Flemish bands, just brought over by Baldwin of Guisnes, to attack Marshal's castle at

Civil War.

[1] "Vir omni morum honestate præditus, etc." Ann. Wav. sup.; Wendover, 308. "Flos militiæ temporum modernorum." Paris, *Chr. M.* 389; see also Id. *Hist. Angl.* II 334. See also two letters of the great Robert Grosseteste, afterwards Bishop of Lincoln, addressing Richard in affectionate terms; *Letters* R. Grosseteste, 38, 41.

[2] Wendover, 265.

[3] Roger Bacon, Paris, *Chr. M.* 244, 245. Matthew describes him as "clericus de curia." If the man was indeed the great Roger Bacon he would be about 19 years old.

[4] Wendover, 270, 271; Paris, *Chr. M.* 246, 247.

Usk.[1] The siege making no progress, and the King finding himself in difficulties, requested Richard, as a loyal subject, to surrender the castle, to save his lord's honour; promising to restore the place in a fortnight; and to consider all just grievances, in a Council to be held on the 9th October. Richard consented, and was admitted to a truce, in which however Siward and the Bassets were not included, they having been busy raiding some of the Winchester estates.[2]

A King's Word.

Peter des Roches and Stephen Segrave had pledged themselves as guarantors for the King's observance of his word with regard to Usk.[3] But when the fortnight had elapsed no Usk was restored. Stormy were the deliberations at Westminster on the 9th October; Henry refusing to keep terms with 'traitors'; the English Bishops threatening to excommunicate des Roches, but, at last, contenting themselves with excommunicating in general terms all disturbers of the peace.[4]

But meanwhile Marshal had recovered Usk, following up that advantage by capturing Abergavenny, Newport (*Novum Burgum*) and Cardiff; places held for the King by John of Monmouth, the Justiciar of South Wales. In the attack on Cardiff, however, Warine Basset, one of the brothers, was killed (15th Oct.).[5]

A few days later, thanks to the disturbed state of the country, Hubert de Burgh recovered his liberty. In the early hours of the 29th September he had been let down from the window of his cell at Devizes, by two faithful attendants, by means of a rope made of sheets and towels, and had at once taken sanctuary in the parish church of St. John's, the priest being roused under pretence of administering the *viaticum* to a dying man.[6] Again Hubert was forcibly torn from the altar, to be again replaced there under pressure from the Church. But before he could be starved out the second time the "episode" was cut short by Siward and Gilbert Basset, who swooped down on Devizes, overpowered the sheriff's posse, and boldly carried off the ex-Justiciar. From Devizes they took him to Aust, from whence he was ferried across the Bristol Channel, to be safely deposited in the Marshal's impregnable Castle of Strigul, otherwise Chepstow (30th Oct.).[7]

De Burgh at Liberty.

[1] Wendover, 271–273; Paris, sup. 247, 248; Ann. Tewkesb. 90. See also the Earl's allegations, Wend. 283, etc. Henry renounced his homage through the Bishop of St. David's.

[2] Sept. *R. Letters*, I 424, 425, 428.

[3] So Wendover, 275.

[4] Wendover, 275–277; Ann. Tewkesb. 90.

[5] The Earl entered Cardiff on the 21st Oct.; Wend. 277; Ann. Tewkesb. 91; *R. Letters*, I 426.

[6] Paris, *Hist. Angl.* II 359.

[7] *Fœdera*, I 211; Wykes, 75, 76; Ann. Tewkesb. 91; and for the date Wend. 277.

The King, on hearing of the loss of Usk, had declared fresh war against the Earl of Pembroke, ordering all his possessions to be ravaged and destroyed, and calling for another muster at Gloucester on the 2nd November.[1] With his Flemish bands and the court circle in attendance, Henry advanced from Hereford to Grossmont, where his march was stayed for want of supplies. He himself occupied the castle, his followers being encamped outside, and apparently keeping little or no watch. Pembroke's inborn loyalty refused to concur in a direct attack on his lord's quarters, though he was free to do so, as his allegiance had been renounced. But his less scrupulous allies, having reconnoitred the royal leaguer, fell on it by night, cut off the baggage train, and scattered the Household in ignominious flight.[2] The King had to follow, leaving Baldwin of Guisnes and John of Monmouth to bear the brunt as best they could of the attacks of the Marshal and his friends. All through the winter the wretched war dragged on, Henry refusing to listen to the clergy, who were pressing him to make friends with Pembroke and de Burgh.[3] Two spirited actions were fought, apparently both near Monmouth, in the course of one of which the town was burnt by the outlaws.[4] Meanwhile Siward and his allies were continuing their raids on the property of the King's supporters, such as his brother Richard, des Roches, Orival, and Segrave.[5] Finally, in the second week of January 1234, Marshal and Llewelyn crossed the border in force, and burned all the country up to and including the town of Shrewsbury.[6]

Fresh War.

Royal army routed.

Further Operations.

Henry's advisers, unable to make any head against the hostile movement in England, now bethought them of taking the Marshal in the rear, by raising up war against him in Ireland. Letters were sent to Maurice Fitz Gerald the Justiciar,[7] Walter de Lacy the lord of Meath, his brother Hugh the Earl of Ulster, and Richard de Burgh inviting them to attack the Earl's possessions, and in fact offering them as spoils for partition. The offer was promptly accepted, Leinster invaded, and sundry castles captured. Richard on hearing of these troubles hastened over to Ireland, with fifteen men-at-arms of his household—'housecarles' in

The War transferred to Ireland.

[1] Wendover, sup. *R. Letters*, I 428.

[2] 11 Nov.; Wendover, IV 278; *circa* 17 Nov. Ann Tewkesb. 91; Dunst. 136. Henry who signed at Hereford on the 2nd November signed there again on the 18th of the month, *R. Letters*, I 428, 430. For the Earl's loyalty see also Ann. Wav. 313 and Wykes, 75.

[3] Ann. Tewkesb. sup. For the efforts of Agnellus of Pisa the first Minister of the Franciscans in England, see Wendover, IV 282–288. Henry wanted absolute submission.

[4] 25 Nov. and 26 Dec.; Wend. Tewkesb. and Dunst. sup.

[5] Wend. 290. [6] Id. 291.

[7] So since the fall of de Burgh in 1232. Gilbert, *Viceroys*, 93.

old English phrase (about the 2nd Feb. 1234). For a time the Marshal carried all before him, recovering his castles, and even capturing Limerick after a four days' siege; the place, by the way, being under the control of Peter of Orival.[1]

The Vacancy at Canterbury.

But, happily for England, a man now arose capable of bringing the King to reason. The Throne of Canterbury had been vacant since August 1231, when Archbishop Richard le Grant died in Italy. Three abortive elections ensued. In each case the nominee of the Convent obtained the approbation of the King, but failed to gain that of the Supreme Pontiff. The monks, to please the King, began by putting forward the Chancellor, Ralph Neville, Bishop of Chichester (24th Sept. 1231), a man for whose promotion Henry had worked in 1228. But the Pope put him aside as too deeply involved in secular affairs.[2] A fresh election held in March 1232 resulted in the nomination of a man of the Convent, the Subprior John. His answers on examination were found satisfactory by the Cardinals, but the Pope rejected him as old and feeble.[3] The Canterbury monks then turned to Oxford, as the chief seat of learning, and nominated John Blund lecturer, or professor of theology there, a man supported by des Roches (1232 autumn). But Blund was found to be in possession of two livings, and to have received suspicious sums of money from the Bishop of Winchester; and so he too was condemned. Three elections having come to nothing Gregory directed the monks to make choice of "Eadmund" Rich of Abingdon, the austere Treasurer of Salisbury, a scholar, and a saint destined to attain to the Calendar. No word could be said against such a candidate. He was immediately accepted both by King and Chapter; and, the Pallium being transmitted in anticipation, he was duly consecrated on the 2nd April.[4]

Abortive Elections.

Edmund Rich Archbishop of Canterbury.

[1] Wendover, IV 292, 300; Paris, *Chr. Maj.* III 265–267; Annals Loch Cé, I 319. For Henry's concurrence see his subsequent letter of thanks to Richard de Burgh; *R. Letters*, I 437.

[2] Wendover, IV 227; Paris, *Chr. Maj.* III 206; *Hist. Angl.* II 337.

[3] May 30–6 June 1232; Wend. 243.

[4] Wendover, IV 267; Paris, *Chr. Maj.* III 243; *Hist. Angl.* II 355, 356; Ann. Osney and Worcester. Edmund was born of a respectable family at Abingdon, descendants of which still appear in the Oxford Calendar. He was born towards the close of the 12th century, and sent as a boy to a junior school at Oxford, going on to Paris to complete his education. From Paris he returned to Oxford where he lectured in Logic and Theology (Lanercost, 36). He took Orders at Oxford and about 1222 was appointed Treasurer of Salisbury by Bishop Richard le Poer. Edmund was a monk in life and habits though not by profession, having been trained by a very strict mother, and the asceticism of his life gained him a reputation for working the miracles with which his biographies are filled. Three of these are given in the 3rd vol. of the *Thesaurus Novus* of Martene and Duránd; some are still in MS. See Dr. Hook's Life in

But already he had taken up the constitutional question. On the 2nd February, before consecration, he supported the Bishops in urging the King to dismiss des Roches—'who had been his father's ruin, and would assuredly prove his—and make friends with the Marshal, the worthiest man of the realm.'[1] The King begged for a little time, and sought for guidance in his difficulties by a pilgrimage to the Holy Rood of Bromholm.[2] On his return, he rested for a night at Huntingdon. While he was there, the possessions of the Justiciar Segrave at Alconbury, some six miles off, were ravaged by Siward and his men, King and Justiciar being equally impotent either to prevent, or avenge the insult.[3] Sticking to his point however, Rich, though still only Archbishop-Elect, extorted from Henry on the 6th March the concession of a truce to Llewelyn, the Earl Marshal, and all their followers and allies (*imprisias et homines suos*). It should be noted that no exception was made as to any part of the King's dominions; matters everywhere were to remain on the footing of the *status quo*.[4] On the 2nd April Rich was consecrated, as already mentioned. A week later a Grand Council was held at Westminster. The Archbishop, strong in the sense of his new position, summoned the King under pain of excommunication to dismiss the foreigners; and receive his liege men. Once more Henry bowed to the voice of the Church. Within a few days the Bishop of Winchester was requested to confine himself to the affairs of his diocese; Peter of Orival was directed to surrender the Treasury and other offices held by him; while overtures for a definite pacification were addressed to Earl Richard and Llewelyn.[5]

A patriotic Prelate.

Dismissal of des Roches.

But the gallant Marshal had fallen a victim to the snares laid for him in Ireland. His opponents Fitz Gerald, the de Lacies, and Richard de Burgh getting the worst of it, pressed for an armistice. On the 1st April a meeting was held on the Curragh of Kildare to discuss the matter. Richard listening, it was said, to the insidious advice of Geoffrey des Marais, the ex-Justiciar, the one Irish magnate who affected to stand by him, refused to sign a truce till all his castles had been restored. Preparing for action Richard ordered his younger brother Walter to be removed to a place of safety. When the engagement began, des Marais and the Irish

Death of Richard Marshal.

his *Archbishops*, III 128. From Rich's pen we have the *Speculum Ecclesiæ* printed by La Bigne, Bibliotheca veterum Patrum 1609. An English translation "The myrrour of the chyrche" was printed in 1521 and again in 1527.

[1] "Melior homo terræ vestræ."

[2] For this relic see Wend. IV 89. In passing through St. Edmund's Henry restored to the Countess Margaret some of Hubert's forfeited lands; Wendover.

[3] Wendover, IV 294–298.

[4] "Ita quod quilibet possideat durantibus treugis sicut possedit in earum captione." *R. Letters*, I 434, 525.

[5] Wendover, 298, 299; Ann. Dunst. 350; Osney, 78.

feudatories of the Earl deserted to a man, leaving him and his housecarles to fight it out, against overwhelming numbers. Richard did wonders, keeping his assailants at bay with sweeps of his sword, till his horse having been brought to the ground, he was stabbed in the back. For fifteen days he lingered and then died (16th April). Next day he was buried at Kilkenny in the Oratory of the Franciscans.[1] His end created a great sensation both in England and Ireland. 'And this deed was one of the greatest deeds committed in that time.'[2] The mere fact of the Earl's popularity marks an era in English history.

Richard's friends profited by the amnesty that came too late to save their leader. On the 26th May letters of safe-conduct and pardon were issued in favour of the brothers Gilbert, Walter, and Anselm Marshal, of Hubert de Burgh, of Richard Siward and the Bassets;[3] while four days later such of them as were in England were admitted to the kiss of peace.[4] But public indignation at the fate of Earl Richard was by no means appeased; and the Archbishop, producing a copy of the letter to the Irish authorities, asked by whose authority it had been sent. Just ten days before Henry had written to Richard le Burgh thanking him for his action in the matter.[5] Now, with the greatest effrontery, he protested that his hand had been forced by his advisers, and that he had passed the letter in ignorance of its contents. With that he dismissed Segrave from being Justiciar, and ordered him as well as des Roches, Orival, and Passelewe to render full accounts of all their acts and receipts. Of course they promptly took sanctuary.[6] Both Orival and Segrave had received the tonsure of Minor Orders; but, by permission of the Archbishop, they were brought before the King, sitting "in Banco" with the Justices at Westminster (14th July). Henry abused his late favourites as traitors, repeating the falsehood that he had been deceived by them, and ordering them to be sent to the Tower.[7] But the proceedings were a mere pretence. Segrave and Orival were allowed to compound with the King, Orival being even reinstated in the Wardrobe, his original office;[8] while des Roches once more went off to Italy to

Pacification.

Fallen Favourites.

[1] Wendover, 300–308; Paris, *Chron. Maj.* 273–279; Ann. Osney, 78–80; Waverley, 314.

[2] Annals Loch Cé, 319.

[3] *R. Letters*, 437–443.

[4] Ann. Tewkesb. Wendover, 309, gives the 28th as the day, less correctly. On the 11th June, Whitsunday, Gilbert was invested with the Earldom and the staff of office; "virgam marescalciæ"; Id.

[5] *R. Letters*, 437.

[6] Wendover, 311, 312; Ann. Tewkesb. 94. Segrave was still Justiciar on the 2nd May, but had ceased to be such by the 14th June; *R. Letters*, 436, 444.

[7] Wendover, 312–314.

[8] Calendar Patent Roll, 18 Henry III; Foss, II 455.

lend a friendly hand to the Pope, then engaged in hostilities with the Romans.[1]

Ralph Neville, Bishop of Chichester, the Chancellor, had not in any way incurred popular displeasure; he was continued in office, being further appointed Chancellor of Ireland for life. The Treasury was given to Hugh of Pateshull, Bishop of Chester Coventry and Lichfield;[2] but no successor to Segrave was appointed. In allowing the office of Great Justiciar to expire Henry probably acted wisely. The post had attracted to itself such an amount of patronage and influence as to be dangerous, and in fact beyond control. The King, taking the reins of government into his own hands, now for the most part issues his orders on his own sole authority, without any counter-signing witness.

The King his own Minister.

The pacification included an extension of the truce with Wales, for two years from the 25th July. But Henry's efforts failed to obtain a renewal of the truce with France, and that through the opposition of the Count of La Marche, who demanded the cession of Oleron, as the price of his concurrence. The truce therefore was allowed to expire on the 24th June.[3]

Another disappointment was suffered in the matter of Saint James de Beuvron, the border fortress purchased from the Duke of Brittany in 1232. In the course of the current year £2,000 had been transmitted on account of the purchase-money, with a substantial force to garrison the place and operate with the Duke. But the French invaded Brittany in such force that Peter had been obliged to make peace, render homage, dismiss his allies, and surrender Saint James; a very fair illustration of the worth to England of Continental alliances.[4]

Loss of Saint James de Beuvron.

Political peace was restored. The King to show his good intentions ordered Magna Carta to be reproclaimed throughout the counties; with orders for the holding of the Hundred Courts three weeks by three weeks;[5] the administration of justice having fallen into arrears. But a third year of deficient harvests, caused by autumn floods and winter frosts, had led to wide-spread suffering and mortality. The poor in places were fain to keep themselves alive by picking unripe ears of corn.[6]

But now to make up for other failures and disappointments the

[1] Wendover, 327; Ann. Dunst. 142.

[2] Calendar Patent Roll.

[3] Calendar Patent Roll; *Fœdera*, 212–215; *R. Letters*, 457.

[4] See *R. Letters*, I 441; *Fœdera*, 211, 212, Henry's report to the Pope, 215; and Wend. 315.

[5] *R. Letters*, I 450, 455, from the Close Roll.

[6] Wendover, 327, 332; Ann. Winton, 86; Waverl. 312; Osney, 74; Wykes, 76; Paris, *C.M.* III 303. Henry attempted to forbid wholesale dealing in corn, but had to rescind the order; *R. Letters*, 432.

state of Italian affairs placed in Henry's hands a coveted distinction.

Pope and Emperor.

In May (1234) Gregory IX had for the third or fourth time been expelled from Rome by his own citizens. He appealed for help to all Christendom. "There was but one near enough at hand to aid, had all been willing." Frederick, who had kept on fair terms with the Pope since the treaty of San Germano in June 1230, responded to his call, and by the swords of his German troops soon brought the Romans to humble submission.[1] This harmony between the heads of the Western world brought about the matrimonial alliance, for which before Henry had exerted himself in vain. In 1225 he had sought to marry his sister Isabel to the son of the Emperor. Now it was Cæsar himself, who, at the Pope's suggestion, applied for the hand of the same Lady.[2]

The German alliance.

The death of Yolande of Brienne (1228) in whose right he held the crown of Jerusalem had left him a widower for the second time. Gregory's object in allying the Emperor with a power so much under Papal control as England, was of course obvious; while his approval disposed of any possible opposition from the side of France.[3] Frederick again would be glad of support against his own son Henry, now in open revolt.[4] In the month of February 1235 the Emperor's envoys Peter de Vinea, and two brothers of the Teutonic Order, appeared in London. Everything had been already settled. On the 22nd of the month they were received in public audience in Westminster Hall, and presented their credentials, stamped with the Imperial Golden Bull. Henry was ready with his assent, promising to give his sister a portion of 30,000 marks (£20,000) besides an outfit. Reciprocal contracts were sealed and exchanged, and the Lady produced without further ado, for the approval of the ambassadors. Amid loud shouts of '*Vive l'Emperatrice!*'[5] De Vinea placed the betrothal ring upon her finger.[6] We note with satisfaction that, for once in a way, the Royal damsel had reached a really marriageable age, being twenty-one years old. Marriage in infancy was the too common fate of those in her position. Isabel's outfit was gorgeous beyond precedent. Henry of course was a man of artistic tastes, and lavish in his expenditure in matters æsthetic. The choicest fabrics in silk and wool and linen, the costliest

Frederic II and Isabel of England.

[1] Milman, *Latin Christ.* IV 378.

[2] See his instructions to his envoy the Justiciar Peter de Vinea, *Fœdera*, I 220.

[3] See letters of Gregory and Frederick to Louis, *Lettres de Rois*, I 49, 50, Pauli.

[4] Pauli, I 615, citing Raumer, Hohenstaufen, III 659; Boehmer, Reg. Imp. 158.

[5] "Vivat Imperatrix"; this does not represent an English cry. All the Magnates in Hall would speak in French.

[6] *Fœdera*, I 223, 224 (wrongly printed under the year 1236); Wendover, 332, where the day of audience is wrongly given as the 23rd. Henry on the 23rd announced the engagement to his sister the Queen of Scots, the Irish authorities, and Llewelyn; *R. Letters*, 459.

gems were heaped on the young Empress. Two beds were provided for her, one covered with Genoese cloth of gold, the other with Arras tapestry.[1]

In due course the Archbishop Henry of Cologne, with the Dukes of Brabant, Lorraine and Limburg came to claim the Bride.[2] On the 6th May Henry entertained them in a wedding feast at Westminster; and next day started to escort his sister to the coast, with an estimated retinue of 3,000 horsemen. Their way lay through Canterbury, where of course they halted to offer in due form. On the 11th May Isabel and her escort sailed from Sandwich,[3] and four days later reached Antwerp. The five days' advance through 'the Emperor's land' to Cologne was one long procession, clergy and laity escorting the party, with lighted tapers and bands of singers and musicians. At Cologne the whole city turned out to receive Isabel, and lead her round the chief streets, all duly decked out with flags and banners. We are told that she gained great popularity by removing her hood and veil (*capellum et peplum*) to allow the city dames to enjoy the sight of her beauty.

Wedding Marches.

The wedding was delayed by the rebellion of Frederick's son Henry, Isabel meanwhile remaining at Cologne, with the Provost of St. Gereon. But the son having been reduced, taken prisoner, and cast into bonds, the nuptial knot was finally tied at Worms on Sunday 15th July.[4] The Archbishop of Cologne and William Brewer Bishop of Exeter officiated. After four days' feasting Brewer and the other English were sent home, with three leopards and other curious presents for the King.[5] Only two native attendants were allowed to remain with Isabel, namely her governess Margaret Bisset, and one Katharine, a skilled needle-woman from London.[6]

The Marriage.

For money for his sister's dowry, and the general expenses of the wedding, Henry had to turn to his subjects. The Grand Council voted an Aid at the extra rate of two marks (£1 6*s.* 8*d.*) the Knight's fee, the regular Aid being only exigible at the rate of £1 the Knight's fee, and for the marriage of

Money Grant.

[1] See Wendover, IV 332, 333; and for details from the English Records, Green, *Princesses*, II 13.

[2] Pauli, citing Böhmer, Fontes, II 367.

[3] So Wend. 335, copied by Paris; and Ann. Tewkesb. 96. But the Patent Roll Calendar gives the King at Sandwich on the 7th May.

[4] Boehmer, Fontes, 161, cited Pauli. Wendover gives the day as 'Sunday 20th July,' whereas the 20th fell on a Friday.

[5] Wendover, 337. Paris, *Chr. Maj.* III 324, gives the leopards as the Royal Arms. But the King's Arms clearly were three lions passant gardant, see Sandford, Genealogical History, 56, 87. With Isabel's marriage we come to the end of Roger of Wendover, who since the close of Hoveden's work in 1201 has been our leading authority. Matthew Paris now takes up the thread and becomes original.

[6] "Aurifrigiaria"; Paris, *Hist. Angl.* II 380.

the King's eldest daughter, not of his sister. But the grant by the National Council would remove all constitutional objections. The Aid was granted in respect of the new feoffments, as well as of the old.[1] But it would seem that all classes were required to contribute, socage tenants, burgesses, and religious Houses. Even the Bishops had to pay.[2] But the last instalment of the dowry was not paid to the Emperor till June 1237.[3]

Having now seen his three sisters settled in life, Henry might well think it time to come to a conclusion as to the disposition of himself.

Marriage of the King.

The last proposal had been to marry Jeanne, daughter of Simon of Dammartin, Count of Ponthieu in right of his wife, Mary of Ponthieu. The proceedings had gone the length of a formal betrothal by the Bishop of Carlisle; and both Henry and Jeanne had applied to the Pope for confirmation of the marriage.[4] But opposition from Paris induced the King to change his mind, and—ignoring Jeanne—to open negotiations with Amadeus of Savoy for the hand of his niece Eleanor (Aliénore), second daughter of Count Raymond Beranger of Provence.[5] This lady's elder sister Margaret a year before had married Louis IX, a connexion that probably had no little weight with Henry. On the 10th October he wrote to Raymond and his wife Beatrice of Savoy that, having consulted his Barons, and obtained their assent, he was prepared to marry their daughter. Five days later, he sealed a formal obligation to that effect,[6] the Count undertaking to give his daughter 20,000 marks. Towards the end of the year Eleanor left her home under the charge of her uncle William of Savoy, Bishop-Elect of Valence, and the English Bishops of Ely and Hereford. Passing thro' the friendly territories of Champagne and France, she made the crossing from Wissant to Dover. Henry received her at Canterbury, and was forthwith betrothed to her by Archbishop Edmund on the 14th January 1236. On the following Sunday, the 20th of the month, the marriage was celebrated in Westminster Abbey, and Eleanor crowned with all due ceremony.[7] Ralph Neville the Bishop of Chichester, and Hugh of Pateshull the Bishop of Lichfield, as Chancellor and Treasurer, carried

Eleanor of Provence.

Her Coronation.

[1] Madox, *Hist. Exch.* I 593; *Select Charters*, 355.

[2] Madox, sup.; Ann. Tewkesb. 97; Dunst. 142. The writers speak of the tax as a tallage, scutage or carucage indifferently, meaning simply a direct tax. The money as usual was to be paid by instalments, half at Michaelmas and half at Easter 1236.

[3] *Fœdera*, 232.

[4] April 1235; *Fœdera*, 216.

[5] June; *Fœdera*, 217, 218. The contract with Jeanne had to be dissolved by the Pope: Id. 231; Paris, *Chr. M.* III 327, 328.

[6] *Fœdera*, 218–220.

[7] Paris, sup. 335, 336; and Henry's letters, *Fœdera*, 222.

respectively the old stone chalice and the paten; two sceptres (rod and sceptre ?) were said to be carried by Richard Siward and Nicholas de Moles by the King's special grant. John "le Scot" as Earl of Chester and Huntingdon carried the pointless sword Curtana; the other swords of state being borne by John de Lacy Earl of Lincoln, and Thomas Beaumont Earl of Warwick. The King followed, walking to the Abbey ready-crowned and wearing his Regalia. The silken canopy over his head, and likewise that over Eleanor's head as she walked behind him, were supported, as usual, by the Barons of the Cinque Ports, as they were styled. Gilbert the Earl Marshal had charge of the procession and arrangements in Hall; Simon de Montfort, as Earl of Leicester, discharged the functions of High Steward,[1] and Hugh de Vere, Earl of Oxford, those of Great Chamberlain. By virtue of old custom the Londoners acted as vintners, and provided, not only the wine, but also some 360 cups of gold and silver; while the men of Winchester had charge of the kitchen.[2] No expense was spared; London was crowded with guests, invited and uninvited; the streets were swept clean, and decorated, and also illuminated at night with tapers and torches.[3]

The Ceremonial.

After three days' feasting the assembled magnates were adjourned to the historic Priory of Merton in Surrey, to consider certain legal measures proposed for enactment. The fruits of their deliberations were given to the world as the Provisions of Merton, the ordinance entered on our Statute Book next after Magna Carta. It would be too much to give Henry credit for any particular zeal for legal Reform, and the Provisions speak for themselves as framed in the interests of the great landowners. Probably the chief part in the work might be attributed to Hubert de Burgh as the great judicial authority of the time. But the enactments as a whole cannot be called measures of Reform. Thus the prerogative of selling the hand of a ward, expressly disclaimed by Henry I, and by reference by Stephen and Henry II, and only tacitly sanctioned by Magna Carta, is now declared the absolute right of every over-lord; a more laudable provision makes a beginning in the way of Enclosure legislation by authorizing the lord of the manor to enclose waste lands, provided that he leaves enough pasture to meet the wants of the freeholders. Previously it would seem that a single freeholder could arrest any reclamation on the lord's part.[4] But the proceedings at Merton will be best remembered in connexion with the celebrated

Provisions of Merton.

[1] Simon had been admitted to the Earldom in Feb. 1230. *Complete Peerage.*

[2] See Alex. Swereford's notes, *Red Book Exchcq.* II 755; also printed by Mr. Wickham Legg, *Coronation Records*, 57. He points out that we now hear for the first time of a Court of Claims to settle disputes as to ceremonial offices.

[3] Paris, sup. 336–339.

[4] Pollock and Maitland, I 622.

answer given by the lay Barons to the proposal of the clergy, who wished to assimilate the law of England to that of other countries, by declaring children born out of wedlock to be legitimated by the subsequent marriage of their parents. To this the laity answered, in a spirit perhaps of mistaken conservatism, but in immortal phrase, "NOLUMUS LEGES ANGLIÆ MUTARE!"[1]

But the fumes of the Bride Ale soon evaporated, and the country awoke to the "hard and hungry realities of the time." Bad weather and dearth still prevailed.[2] The Queen's relatives brought a powerful reinforcement to the ranks of the foreign legion, still much too strong. The Poitevin Earl William of Aumâle, Peter de Maulay, Engelard of Cigogné, Waleran of Tyes were still there, in places of emolument and trust, to the exclusion of natives.[3] But the man who at once assumed a commanding influence over the King's weak mind was his 'dear uncle,' as he called him, William Elect of Valence. His position became so offensive that outspoken protests were raised in a Grand Council held in London on the 28th April. The King in a fit of temper adjourned the meeting to the Tower; to which dread place the Barons, apprehensive of some *coup d'état*, refused to follow him. Becoming conscious of his mistake Henry returned to Westminster, to pacify his subjects with fair words, and meet complaints of malversation by turning a number of sheriffs out of office.[4] At whose recommendation the incoming sheriffs were appointed does not appear. But we do hear, at the same time, of the dismissal of Ralph fitz Nicolas, Steward of the Household, and other trusted officials; also of an attempt to turn Neville out of the Chancery. But Ralph stood on his rights, insisting that he had been appointed with the consent of the Grand Council, and could not be dismissed without it. The Seal however was taken from him, and placed in the hands of a Keeper; while he himself retained the title and emoluments of Chancellor. In all these cases the intrigue was attributed to the Elect of Valence.[5] Henry's partiality for Poitevins

More Foreigners.

Native Discontent.

A sturdy official.

[1] Statutes at Large, I 1.

[2] Rain prevailed through February and March; Westminster Hall was flooded; then came four months of drought, stunting all the crops; Paris, *C.M.* III 339, 369, 370; fresh floods ensued at the end of the year; 379.

[3] See the Rolls and the *List of Sheriffs*, etc. passim.

[4] Paris, *Chr. M.* III 362; *Hist. Angl.* II 388. In the course of April and May nine sheriffs were dismissed, sixteen in the course of the year, as against twelve retained in office; *List of Sheriffs*.

[5] Paris, *C.M.* III 363; Ann. Tewkesb. 102. Neville continues to sign as "Cancellarius." A foreigner Amauri of Saint Amand became Steward of the Household vice Ralph; Calendar Patent Roll. For the ensuing Keepers of the Seal see Foss. For the Elect of Valence and his brothers see Mugnier, *Savoyards en Angleterre* (1890).

and Provençals, however blameable and misjudged, was not unintelligible. "Feeble, wilful and faithless," he had to depend on others, and for choice he turned to persons in sympathetic touch with himself, men of "cultivated tastes, refined manners, and absolutist Politics."[1] At a Council held at Winchester in June, he began to talk of utilizing his Papal dispensations by revoking grants made before his marriage.[2]

Scottish Demands.

The disjointed state of English politics had not escaped the notice of the Scots. Alexander had a considerable connexion with the national party in England. His sister Margaret was married to Hubert de Burgh; another sister, Marjory, had married Gilbert Marshal;[3] and his own Queen was Henry's sister. For allies he might look to Llewelyn, only kept quiet by truces from year to year;[4] while the relations of France likewise to England were only based on truces, not on any definite peace.[5] Altogether Alexander thought that a time had come for reviving the impossible demand for the Northern Counties, ceded by Stephen, and recovered by Henry II; or at any rate for Northumberland, said to have been promised by John. Henry's answer was reserved for a personal interview. The Kings eventually met at York on the 30th September, when the Scots were pacified by the grant of Driffield in the East Riding made to Queen Jeanne.[6] For his Christmas Henry went to Winchester, Bishop Peter having just returned from his trip to Italy.[7]

Supply.

But in spite of the Aid granted in 1235 the expenses connected with the two weddings had emptied the King's coffers; while part of Isabel's dowry had yet to be paid. To provide a supply a Grand Council was summoned, to meet at Westminster on the 20th January 1237. William of Raleigh, a clerical official, explained the King's needs, and begged for a Thirtieth on moveables. He promised that the King in future would consult the wishes of his subjects in all things, and suggested that the money might be paid to commissioners named by the Barons, who would see to its application. But the King's request did not meet with a very gracious reception,

[1] Pollock and Maitland; and Stubbs.

[2] Paris, sup. 368. For another Bull relieving the King of inconvenient pledges see *Fœdera*, 129.

[3] 1 August 1235; Chron. Melrose.

[4] *Fœdera*, I 213, 229.

[5] The existing truce was one for five years from the 15th August 1235, the opposition of La Marche having been bought off by a pension of 800 Livres Tournois (£200 sterling); *Fœdera*, 218; *R. Letters*, I 476.

[6] Paris, *Chr. M.* III 372; *Fœdera*, 230; Chron. Melrose. The last places the meeting at Newcastle, the place originally appointed; Calendar Patent Roll 20 H. III.

[7] Ann. Winton, 87; Paris, sup. 380.

Papal Bulls.

and a question was even raised as to reported Papal Bulls, relieving him of his oaths.[1] When this insinuation was reported to Henry, sitting apart, as usual, with his confidential advisers, in an inner chamber,[2] he met it with an indignant denial. 'He would never have listened to such a proposal if laid before him.'[3] To show the honesty of his intentions he volunteered a confirmation of the Charters, with a fresh excommunication against all who should violate them. The Barons, not quite content, were inclined to ask for a dismissal of the King's confidential advisers; but, ultimately, were satisfied with having the Earls of Surrey and Derby,[4] and John fitz Geoffrey put on the Privy Council.

A Thirtieth granted.

On these terms after some three or four days' discussion the Thirtieth was granted;[5] the Charters being confirmed a few days later.[6]

Some legislative enactments appear to have been passed during the sittings of this Council, namely as concerning the rights and duties of the Forest officials, and especially concerning responsibility in the matter of 'Vert and Venison' (*Anglice* 'Game and Greenhow'). Limits were also set to the distance to which actions for the recovery of land might be carried back, and the first year of Richard I was suggested as the point beyond which legal memory should not be carried.[7]

The Thirtieth was levied very much on the footing of the Fortieth of 1232. The lords made the grant on behalf of their villeins, as well as on their own account; but no man not worth forty shillings in chattels would be taxed, nor would the ecclesiastical possessions of the clergy, *i.e.* those appurtenant to their prebends or livings, have to contribute. The tax would fall on the contents of the barns and storehouses, the sheepfolds and cattle yards, as found on the 15th September, the value to be appraised, and the money collected by four good men from each township (*villa*), elected under the supervision of royal commissioners, who would receive the money, of which one half would be payable on the 1st December 1237, and the other half on the 31st May 1238.[8]

By the death of John "le Scot," Earl of Chester and Huntingdon (7th June), a great inheritance was set free—one that was destined to involve in time the succession to the Crown of Scotland. The Earl

[1] The last Bull was issued in June 1235; *Fœdera*, I 229, wrongly printed under the year 1236.

[2] See *Foundations of England*, II 194; *Angevin Empire*, 46.

[3] "Si tale quid forte fuerat suggestum ei in irritum affirmavit."

[4] The Earl of Surrey was William of Warenne IV son of Hamelin, natural brother of Henry II, by Isabel of Warenne; the Earl of Derby was William of Ferrers II.

[5] Paris, *Chr. M.* III 380–382; Ann. Tewkesb. 102; *Fœdera*, 232.

[6] *Select Charters*, 356.

[7] 4 Feb. 1237; Ann. Burton, 251; Calendar Patent Roll.

[8] *Fœdera*, sup.

left no issue, but he had four sisters, namely (1) Margaret married to Alan of Galloway, and grandmother to John Balliol King of Scots; (2) Isabel married to Robert Bruce V, and great-grandmother to Robert Bruce VIII King of Scots; (3) Matilda, unmarried; and (4) Ada married to Henry of Hastings.[1] To all of these or their representatives liberal portions were allotted;[2] the two earldoms being prudently allowed to fall into abeyance, Chester to be eventually annexed to the Crown. The jurisdiction over the Palatine County was committed to a Crown officer, the Justiciar of Chester.

[1] *Complete Peerage*, Chester.
[2] See Calendar Pat. R.

CHAPTER VI

HENRY III (*continued*)

A.D. 1237–1241.

Domestic Affairs—Mission to England of Cardinal Otho—Marriage of Simon of Montfort to King's Sister—Robert Grosseteste, Bishop of Lincoln—Birth of future Edward I—Papal Exactions—Deaths of Archbishop Rich and Llewelyn I, Prince of N. Wales—Crusade of Earl of Cornwall.

As already indicated, Henry's one trust was in the Papacy, and his one hope was to rule England through the Papacy. With difficulty had he been kept in 1230 from applying for the help of a Legate, John Colonna. De Burgh had to exert himself to the utmost to avert a step that would have compromised his own relations with the English clergy, his best supporters.[1] But the King now was free to act for himself, and so, having secured his Thirtieth, as if to show his promised regard for the wishes of his subjects, he made his application to Rome for a co-adjutor. The man asked for, of all others, was Otho, the emissary whose demands on the patronage and endowments of the Church had created such a storm in 1226. In the latter part of July the Legate, now Cardinal Deacon of St. Nicholas "*in carcere Tulliano*," made his appearance.[2]

A Legate invited.

The King went down to the coast to receive him, the clergy also hastening to propitiate the spiritual dictator. But Otho at first behaved with great moderation and tact, declining gifts and offerings, and laying himself out to reconcile parties. Des Roches and de Burgh, Segrave, Gilbert Basset, and Siward were all induced to make friends. The bitterness of party feeling had betrayed itself at a tournament held at Blyth in March, where a match between North and South ended in a downright fight.[3]

Making Friends.

[1] See this clearly stated, *R. Letters*, I 379.

[2] 17 July, Ann. Tewkesb. 105; *circa* 1 August, Ann. Winton, Waverley, and Osney. Paris, *C.M.* III 395 places his landing as early as 29 June.

[3] Paris, sup. 395, 396, 403, 404. Tournaments had crept in during the Barons' war against John, and, though usually forbidden by Henry, had been licensed by him in 1232 at Dunstable, Stamford, Brackley and Blyth; Ann. Dunst. 130 sup.; *Fœdera*, I 205.

Otho's next step was to work for a more thorough accord with Scotland than that patched up in the previous year. Alexander had a grievance of a more specious character than that of the withholding of the Northern Counties. Under the treaty sealed in 1209 between John and William the Lion, the King of Scots had placed his daughters Margaret and Isabel in John's hands, with a sum of £10,000, on the understanding that Margaret should be married to young Henry ;[1] and Henry, in 1231, had actually expressed himself as willing to marry her.[2] But Margaret had found a spouse in her guardian, Hubert de Burgh. Under these circumstances Alexander demanded a refund of the £10,000. Fresh conferences were arranged to be held. On the 22nd September the two Kings and their Queens met at York, with the Legate, William of Valence, and the chief magnates from either side of the Border in attendance. After three days' discussion, Alexander was induced to renounce all claim either on the Northern counties or the £10,000 in return for a grant to himself and his heirs, Kings of Scotland, of lands in England to the yearly value of £200 ; the estate would be held as a franchise, with the fullest regalian rights known to the law of England, and the widest exemption from taxation, but subject always with regard to Pleas of the Crown to the jurisdiction of the English Justices in Eyre. At the same time it was provided that the Scottish Kings should never be called upon to appear personally in the court of the King of England to answer any suit relating to the land.[3] The possessions eventually assigned were Penrith and Castle Sowerby in Cumberland and Tynedale in Northumberland.

A Scottish Grievance

Settled.

"From this time all efforts on the part of the Scots to extend their frontier cease." The settlement of the boundary line was cheaply purchased by England at the price ; moreover, as the Scottish King was bound to do homage for his new acquisition, the grant of the estates suited perfectly the policy of the English court, which was "to keep the King of Scots coming to do homage for something or other,[4] so as to accustom the Scotch to the idea of a certain hegemony on the part of England, and so pave the way for eventual incorporation.

Far-sighted Policy.

But the treaty was doomed to be shortly followed by the loss of an existing link between the two countries. The Queen of Scots took leave of her husband at York, to travel Southwards with Henry,

[1] *Angevin Empire*, 421 ; and *Fœdera* below.

[2] Wendover, IV 227.

[3] See the treaty, *Fœdera*, I 233 ; also Chron. Melrose, 148 ; Paris, sup. 413.

[4] T. Hill Burton, *Hist. Scotland*, II 8. So the Dunstable writer understood the transaction, stating that the land was granted to Alexander "pro homagio suo," 146.

Death of the Queen of Scots.

being bound on pilgrimage to Canterbury. Probably she was out of health, as early in the spring she passed away at her brother's court.[1] As she left no issue, the hope of blood-relationship between the future Kings came to an end.

Synod at St. Paul's.

For the clergy and the chroniclers the event of the year was a Synod held at St. Paul's by the Legate on the 19th–21st November, a late and inconvenient season, as those who had to ride from distant places found. On the first day the bishops were allowed to consider in private the Canons' proposal for subsequent enactment in public. On the second day the Legate, in full pontificals, took his seat on a raised throne at the West end of the church, with the Archbishops of Canterbury and York on his right hand and his left. Two barons appeared from the King to warn Otho not to infringe on the royal prerogative, while William of Raleigh remained to watch the proceedings.[2] During the two days some thirty-one Canons were promulgated, besides other business. The Legate had many abuses to deal with, but his tone was distinctly moderate and statesmanlike;

Constitutions of Otho.

thus while utterly condemning the letting of benefices to laymen at money rents, with respect to transactions with duly qualified clergymen he could only object to the farming of archdeaconries, deaneries, and purely spiritual sources of income, such as altar fees and the like. Pluralities are condemned,[3] and residence insisted on; clergy to wear garments of proper clerical cut. On the question of clerical marriage Otho's decrees are much less harsh than those of Langton in 1222. Priests who are secretly married, or are living with women, must be deprived of their livings; priests' sons may not succeed to their fathers' benefices, and, in fact, are declared altogether ineligible for Holy Orders. But we have no repetition of the severe edicts against the women passed at Osney in 1222. Otho's Constitutions also included regulations for procedure in the ecclesiastical courts, where business was evidently much on the increase.[4] To an Archbishop of Canterbury the presence of a Papal Legate was ever oppressive and unwelcome. Rich had protested against the invitation of Otho, but had submitted perforce to sit under him in the Synod. Unable to endure the eclipse of his authority any longer,

The Archbishop to Rome.

in the week before Christmas, he went off to Rome to press for the Legate's recall.[5]

The second half of the Thirtieth, exigible in the summer,

[1] 4 March, 1238; Chron. Melrose, sup. [2] Paris, *Chron. Maj.* III 404, 414–417.

[3] It is worth noting that Walter Cantilupe, just consecrated Bishop of Worcester, made a strong appeal to the Legate for toleration of pluralities, begging him to suspend the matter for the Pope's decision. Otho met him by saying that if all the prelates would subscribe to his view he Otho would write to Gregory about it; Paris, sup. 418.

[4] Wilkins, Conc. I 649; Paris, sup. less correctly, 421–444.

[5] Paris, sup. 395, 470; *Hist. Angl.* II 402; Ann. Winton. Edmund had

had not been raised without further discussions, in which the Earl of Cornwall himself attacked the King for his partiality to foreigners, and his extravagance, calling special attention to the immense sums that he had received from vacant benefices, wardships, and escheats.[1] These, however, it must be said, were regular sources of income.

The Earl of Cornwall in opposition.

For a moment it seemed as if Richard was really going to rally the national party, which only wanted a head. Henry did his best to drive him into that position by a fresh piece of perversity. Suddenly, without consulting him or anybody else, he married his sister Eleanor, the widow of William Marshal the younger, to Simon of Montfort (7th January, 1238). The ceremony was performed in the King's private chapel[2] by his chaplain, while he himself gave the bride away. The barons and the country in general were indignant at such honour being shewn to another foreigner; while the clergy were specially scandalized, inasmuch as the Countess had been persuaded by Archbishop Rich to take a vow of celibacy at the death of Pembroke; and Edmund's journey to Rome was understood to be partly undertaken to arrest her marriage.[3]

A Clandestine Marriage.

Simon of Montfort.

In April, 1230, as already mentioned, Henry had welcomed Simon to England, and promised him offhand the Earldom of Leicester, for a time enjoyed by his father, though Simon's elder brother Amauri might have laid claim to the succession. In August 1231 the King had taken Simon's homage for the share of the old Honour of Leicester that had been awarded to his father.[4] But Earl Randolf of Chester, who had the estates, was still living. He died later in the year, whereupon, in 1232, Amauri, having given a quasi renunciation in favour of his brother, Henry renewed the grant to Simon.[5] A little later, being still somehow unable to put him in possession of the promised estates, he gave him the benefit of certain escheats that would, in the ordinary course of things, have gone to the Exchequer.[6] In 1236, at Henry's wedding, he had been allowed to perform the functions of High Stewart (not without opposition), though still not invested

His Rise.

no success at Rome; Otho was not recalled; while adverse decisions were given in cases pending between the archbishop and the Chapter of Rochester and the Earl of Arundel; Rich returned to England in the summer "tristis et depauperatus"; Paris, *C.M.* III, 480; *H.A.* II 410; Ann. Winton, Tewkesb., and Waverley.

[1] Paris, *Chr. M.* III 410–412.

[2] "In parvula capella Regis quæ est in angulo cameræ"; Paris.

[3] Paris, *Chr. M.* III 470; *H.E.* II 402.

[4] *R. Letters*, I 403. At the death of Earl Robert fitz Parnell, in 1204, the great Beaumont-Grand Mesnil inheritance had been divided between Saer de Quincy and Simon of Montfort in right of their wives; above p. 55, and note.

[5] *Fœdera*, 202, 203.

[6] 15 June, 1232, *R. Letters*, 407.

with the Earldom. His means were quite inadequate to his position, and a special allowance out of the Leicester estates had to be made to him to pay his debts.[1] From that time, however, his rise was rapid, and he appears as a leading magnate attesting public treaties, but only as Simon of Montfort, not as Earl of Leicester. Even before his marriage to Eleanor, he and de Lacy, the Earl of Lincoln, were regarded as men in the King's especial confidence.[2] His fine person and commanding ability had captivated the young widow of twenty-three as well as the King. But to the English he was still simply an adventurer.[3]

Public Discontent.

The Earl of Cornwall loudly denounced his brother's conduct in first pledging himself to consult his magnates, and then throwing himself wholly into the arms of foreigners. His complaints were echoed by Gilbert Marshal—strong in his recent alliance with a Scottish princess[4]—the Baronage, the Londoners, and all the English, except the loyal ill-used de Burgh. 'Old men and boys blessed Earl Richard for coming forward to free England from Romans and strangers.' Des Roches and the Legate, getting alarmed, told Henry that he must give way, and he, to gain time, asked for a respite to the 22nd February.[5] In the meanwhile he sent out circulars warning liege men to keep aloof from the Earl of Cornwall.[6] The King was saved by the adroitness of de Montfort and the staunchness of de Burgh, who sealed the fate of the movement by forbidding any recourse to arms. When the appointed day came, Articles of Reform were solemnly debated and accepted, mere promises made only to be broken. But before the terms could well be settled, the position of the malcontents had been undermined by Simon, who found means for reconciling Cornwall both to himself and to de Lacy.

No Result.

The coalition fell to pieces, and the barons went home cursing Richard as a broken reed.[7]

But de Montfort had still to come to terms with the Church in respect of his marriage; he was sent to Rome to plead his own cause with the Pope.[8] Passing through Italy he made friends

[1] 28 July, 1236; Rot. Pat. 20 H. III m. 3; Pauli; G. P. Prothero; *Simon de Montfort*, 41.

[2] Paris, *C.M.* III, 412, 476. In 1237 de Lacy had given Henry 5,000 marks to marry his daughter Maud to Gilbert, the young Earl of Gloucester; Calendar Patent Roll 21 Henry III; Ann. Tewkesb. 106.

[3] "Sicut erat miles strenuus, in corpore procerus, et facie formosus"; Chron. Lanercost, 39. Eleanor was born about 1215.

[4] On the 1st August, 1235, the Earl had married Marjory, Alexander's sister, at Berwick; Chron. Melrose; Rot. Pat. 19 H. III m. 6; Pauli.

[5] Paris, *C.M.* III 275–278.

[6] *R. Letters*, II 15.

[7] Paris, sup. 478, 479.

[8] Paris, sup. 479. His safe-conduct is dated 27 February; Rot. Pat. 22 H. III m. 8, Pauli.

with the Emperor, to whom Henry was sending a contingent for operations against the Lombards. Thus armed with recommendations, both from Frederic and Henry, Simon obtained the desired dispensation for his marriage;[1] and returned in October to join the Countess at Kenilworth. Six weeks later Eleanor presented him with a son, who, for some months, might be considered a possible heir to the throne (28 November). The King's favours reached a climax on the 2nd February, 1239, when a formal renunciation having been obtained from Amauri,[2] Simon was finally invested as Earl of Leicester.[3] But his position in politics was as yet by no means defined; and in the squally atmosphere of the time he, too, shortly had to suffer from gusts of the King's caprice.

Vacancy at Winchester.

On the 9th June (1238) Pierre des Roches had closed his episcopate of three and thirty years. To few men has it ever been given to see or do more in the course of their lives than he had seen or done in his. In England he had always been at the head of the anti-national party; yet, strange to say, Matthew Paris bestows unlimited praise on him. 'Whatever good had been done in England in his time was due to him.'[4] Probably the Bishop's charitable foundations, and the fact that he had been on actual Crusade to Holy Land, had a good deal to do with the chronicler's friendly estimate. The appointment of a successor led to a struggle such as we have been used to associate only with vacancies at Canterbury. Henry wanted the bishopric for his 'Uncle,' the Elect of Valence, a man said to be, like his predecessor, more of a soldier than a churchman, (*vir sanguinum*), and who, in fact, was at the time serving with the English contingent in Lombardy. The King endeavoured to extort from the Winchester Chapter a pledge to elect William before he would issue the necessary *congé d'élire*.[5] The monks evaded this snare; and, passing over the Savoyard, elected William of Raleigh, a man who might well be thought acceptable to Henry. But the King would not have him; whereupon the monks, treating the election as void, put forward another man who might equally be thought a *persona grata*, namely the faithful Chancellor, the Bishop of Chichester. Ralph accepted the nomination, whereupon Henry, in a fury, took the Great Seal from him;[6] the emoluments attached to the office he could not take from him;

A Struggle.

[1] Paris, 485, 487. Pauli in his *Life of de Montfort* suggests that he may have fought at the siege of Brescia.

[2] 19 April 1238; *Fœdera*, 203. Wrongly given under 1232.

[3] Paris, sup. 498, 518, 524.

[4] Paris, *Chr. M.* III 489; Ann. Tewkesb.

[5] See Bishop Grosseteste's letters to Otho condemning Henry's conduct; *Letters R. Grosseteste*, 184 (Rolls Series, Luard).

[6] 28 August, Calendar Patent Roll.

these having been sanctioned in Grand Council. The reader will notice this very remarkable assertion of what might be called Parliamentary control over the application of the Revenue

Parliamentary Control.

As the only thing to be done Henry turned to the Pope.[1] Gregory, strong for the right of canonical election, cancelled the election of Neville, without confirming that of Raleigh, evidently in order to give Raleigh an opportunity of resigning.[2] But Raleigh would not resign; while Henry still refused to have him, and in fact kept him out for six years, the see remaining vacant. Meanwhile, however, the Elect of Winchester found a home at Norwich, where he was consecrated Bishop, 25 September, 1239.[3]

An incident that must have astounded the loyalty of an age innocent of Revolutionary or Anarchic doctrine, was an attempt on the life of the King made at Woodstock in September. A man said to be of good position,[4] but behaving as a crazy jester, had gained admission to the royal household. One night he made his way through a window into the King's bedchamber, armed with a knife. But Henry was with the Queen in her apartment. The miscreant, groping his way through the house in quest of his victim, encountered Margaret Bisset, the Maid of Honour, duly keeping watch with a light at the Queen's door. Her screams gave the alarm, and the man was seized. On being questioned he implicated William des Marais, son of Geoffrey, late Justiciar of Ireland. This William at the time was under sentence of outlawry, and defying the Government as a freebooter in Lundy Island. The assassin, of course, was condemned for High Treason, drawn at a horse's tail to Oxford and there executed.[5]

Attempt on the King's Life.

Certainly no man could well be more reckless in the way of creating personal enemies than King Henry. On Christmas Day, at Winchester, when Gilbert Marshal, the Earl of Pembroke—probably the richest and most influential man in England next to the Earl of Cornwall—presented himself with his Knights in the regular course of things to join the King's state banquet, the door was shut in his face. Next day when he sent to ask for an explanation, humbly offering to clear himself against any accusation, he was told that he was the brother of a traitor who died in arms against his King, and that it was only as

[1] Paris, sup. 493–495; *Hist. Angl.* II 390. Grosseteste refused to support Ralph's case; *Letters*, 188.

[2] See his letters showing that his wish was to help the King in the matter; *Fœdera*, 238.

[3] Paris, 525, 531; *Reg. Sacr.*

[4] "Armiger literatus ut dicitur"; Paris, "Pseudo clericus, infatuatum se simulans"; Ann. Worcest. 431.

[5] Paris, *C.M.* III 497; Wykes, 85; Worcester, 431; *R. Letters*, II 15. Des Marais was not suppressed till 1242; *Liber de Antiqq.* 9; Paris, IV 197.

a matter of favour, at the request of Archbishop Rich, that he himself had been allowed to succeed.[1] Of course, he and his brother Walter promptly retired to their Welsh strongholds.

Liberty of the Church.

A serious disturbance, involving the terrible question of the 'Liberty' of the Church, and also that of the relation of the same 'Liberty' to Papal authority, broke out at Oxford on the occasion of a visit to the University paid by the Legate Otho (23 April 1238). He had taken up his quarters in the neighbouring Abbey of Osney. In the afternoon, after dinner, some students, apparently out of curiosity, invaded the kitchen, to be roughly expelled by the cooks, who threw hot broth and live coals in their faces. The whole University turned out to avenge the insult. The Abbey was attacked, and the Cardinal driven to take refuge in the tower. In the assault, a brother or relative of his, described as the Master of the Cooks (*Magister coquorum*), was shot dead with an arrow. The King being at Abingdon at the time an appeal was hastily sent to him; and next day some thirty members of the University, including young men of rank, and one Regent Master, Odo of Kilkenny, a lecturer in Law (*Legista*),[2] were apprehended and sent to Wallingford Castle. Robert Grosseteste, the great Bishop of Lincoln, as Diocesan of the University at which he had been reared, and of which he had been Chancellor, came forward to protest against the invasion of clerical privilege, offering bail.[3] Otho retorted by laying the whole University under Interdict.[4] In hopes of settling the affair he convened a Synod to meet in London on the 17th May. But the intrepid Grosseteste, not to be beaten, in the Legate's presence and that of the King, boldly excommunicated all who had ventured to lay violent hands on clerks. The Oxonians were released, but it was not till the month of July that they were able to settle with Otho and return to their studies.[5]

Oxford Students.

Robert Grosseteste, Bishop of Lincoln.

Robert Grosseteste was probably born about the year 1175, at Stradbroke in Suffolk, and of humble parents. At an early age he was sent to Oxford, with which University he retained a close connexion all through his life. He is said to have also studied at Paris; but he soon returned to Oxford, where he became Master of the Schools (*Rector Scholarum*) or Chancellor. He welcomed the Franciscans to Oxford in November, 1224; and became their first Rector there. At various times he held the Archdeaconries of Wilts, Northampton, and Leicester, besides other prefer-

[1] Paris, sup. 523.
[2] Wykes, 84; Ann. Tewkesb. 107; Paris, *C.M.* III 481–484.
[3] Luard, *Letters R. Grosseteste*, xl, 245.
[4] 2 May, Matthew of Westminster ad. locum.
[5] Ann. Burton, 253, 254; Tewkesb. sup.; *Munimenta Acad. Oxon.* 5, 7; Calendar Patent Roll.

ment ; and finally on the 3rd June, 1235, was consecrated Bishop of the vast Diocese of Lincoln, by far the largest in England. He was a voluminous and multifarious writer. He translated works from the Greek with the help of a native Greek connected with St. Albans ; [1] had a knowledge of Hebrew, and was possessed of all the science and philosophy that the age could boast of. But his hold on the admiration of his own and subsequent times was due to the integrity of his character ; his honest zeal for Church Reform, and the moral courage with which he could defend the cause that he thought to be right as against Legate, Pope, or King.[2] Thus in the first year of his episcopate he removed no less than seven abbots and four priors in his diocese ; [3] while his efforts to effect a reforming visitation of his Chapter led to a struggle of six years' duration.[4] On the other hand, the actual standard of his attainments may be gauged by the fact that he could accept without question the wretched forgeries of the *Testament of the Twelve Patriarchs*. He was perpetually in hot water ; but his honesty was such that no one ever took lasting offence at anything that he said or did. "His influence on English thought and English literature for the centuries that followed his time was probably unequalled." [5]

On the 17th or 18th June, 1239, the young Queen Eleanor gave birth at Westminster to her first child, a son and heir.[6] Great was the joy of the nation. The Succession was assured, in those ages the first condition towards any prospect of peace or orderly government in the future. On the fourth day the Royal Infant was baptized in the Abbey, under the name of the object of his father's especial veneration, the Confessor King Edward. The rite was performed by the Legate, who had not yet risen above deacon's Orders, though Rich and other prelates were present. Henry turned the occasion to account by exacting offerings with a greed that gave great offence. A witty Frenchman remarked that if God had given the child to the nation, the King sold it.[7]

An Heir Apparent.

As if to make assurance doubly sure, before the year was out, homage to the Heir Apparent was required from all landowners over twelve

[1] Paris.

[2] See Mr. Luard's Introduction to *Grosseteste's Letters* xi., xxxi.–xxxv. ; Chron. Lanercost, 43–45.

[3] Ann. Dunst. 143.

[4] See his *Letters*, 235, etc. For Grosseteste's views on Church Reform, see his letters to Archbishop Rich ; Id. 205.

[5] Luard, sup. For an appreciative estimate of the Bishop's works, see Mr. F. S. Stevenson's *R. Grosseteste*, 29–58.

[6] 17 June, Ann. Wykes and Worcester ; Sat., 18 June, Ann. Winton, Waverley, Tewkesbury, Burton and Osney.

[7] Paris, *Chr. Maj.* III 421, 422.

years of age;[1] a proceeding new in English history, but not altogether out of place in view of the circumstances of the time and the King's unpopularity. Eleanor of Brittany, Arthur's sister, was still living, though in strict custody.[2]

Simon of Montfort was one of the sponsors at the christening. But within two months' time he had fallen into disgrace.

Capricious Favour.

When he and his Countess, the King's own sister, presented themselves at the Queen's churching, Henry ordered them from his presence, with insulting insinuations as to their conduct before marriage Overwhelmed with confusion they retired to the quarters assigned to them by the King, namely, the Winchester Palace at Southwark. He then sent messengers to expel them. After a fruitless return to Westminster to plead for mercy, Earl and Countess had nothing for it but to hasten abroad.[3] The best explanation of this sudden storm as yet suggested is that Simon was involved in litigation with Peter Manclerc of Brittany, by which one of the Queen's Uncles, Peter of Savoy, Count of Flanders, was affected.[4] Fortunately for Simon and for England, Henry's ire was as fitful and unstable as his goodwill.

The wealth of Hubert de Burgh still pointed him out as an object of attack to the needy monarch. Once more he was

The Last of de Burgh.

cited to answer the old charges. His life-long devotion to the House of Anjou gave him no protection from calumny and persecution. The old list of pretended offences was once more paraded, to be once more conclusively disposed of by Hubert's secretary, Laurence of St. Albans. As a sop the four strongholds of White Castle, Grosmount, Skenfreth, and Hatfield Peverel in Essex were surrendered to the King.[5] After that the great ex-Justiciar was allowed to live out his remaining days in peace. Four years later he passed away.[6]

[1] Ann. Waverley and Worcester, Rot. Claus. 24 H. III 14, 16; enquiries directed as to persons who had demurred; February, 1240, Pauli.

[2] She died 10 August, 1240; Ann. Tewkesbury.

[3] 9 August, Paris, sup. 566, 567.

[4] See Henry's letter to the Pope on behalf of Thomas, as against Simon, the latter to be cited to appear out of England contrary to English privilege; *R. Letters*, II 17; *Fœdera*, 237. Thomas was Count of Flanders through marriage with Jeanne, daughter of Baldwin VII, the Emperor-Count, and relict of Ferrand, whom she had married as far back as the year 1212. Thomas came to London a few days after the Churching, and was given a state entry; Paris, *Hist. Angl.* II 425.

[5] See Paris, *C.M.* III 618, and the answer drawn up by Laurence, Id Addit. 149 (Wats).

[6] Hubert died at Banstead in Surrey, 12 May, 1243; Paris. His son John succeeded to the estates, but not to the Earldom of Kent, that was allowed to drop. Rot. Claus. 27 H. III 5, 6.

While the laity were exposed to these desultory attacks by the King—the Jews again this year having been robbed of one-third of their property[1]—the clergy were feeling the full weight of the Legate's hand. The Pope had given Henry all his support; it was time that he should have his reward. Alarmed at the hold that the Emperor had gotten on Sardinia, alarmed at the progress that he was making in Italy, Gregory had once more drawn the sword. On Holy Thursday (24 March, 1239) he again denounced Frederic as the enemy of the Church; the grounds assigned for his condemnation being purely political; that is to say matters affecting the Temporal Power, the position of the Pope as a territorial potentate.[2] Henry did not attempt to raise a finger on behalf of his ally. The Bulls of excommunication were published at St. Paul's and elsewhere throughout England without opposition.[3] Having thus plunged into war, Gregory was more in need of money than ever; and, by whatever means, money had to be raised. Hitherto we have only heard of inroads upon patronage by the Legate,[4] and petty exactions, such as the levying of 'procurations' (compositions for entertainment on visitations), the sale of dispensations from Crusading vows, and the like. As hands for getting in this harvest Otho had at his disposal the ubiquitous brethren of St. Francis and St. Domenic.[5] Now we hear of the advent of a financial coadjutor, Pietro Rosso by name, who had a roving commission from the Pope to beg money from convent to convent throughout England and Scotland.[6] We are also told of a demand for a general contribution from all classes of the clergy, rising at any rate in the case of foreigners beneficed in England, if not of others also, to the monstrous sum of one-fifth or twenty per cent. of their incomes.[7] The money was openly demanded for the Pope's war against Frederic. Indignation meetings were held by bishops, abbots, archdeacons, and parish rectors to organize resistance; but in the absence of any support by the King, their protests were unavailing. The Archbishop of

Gregory VI and Frederic II.

Papal Exactions.

[1] June; so Paris, III 543.

[2] Id. 533; and for the date the letter of Frederic to the Earl of Cornwall, 584.

[3] Id. 545, 568. For the manifestoes of the two parties, see 546–363; 569–608; 631.

[4] On this subject, see the mission to Rome of Robert Twenge, and the remonstrance addressed to the Pope by English magnates, Id. 609. Gregory hastened to answer that he never intended any interference with lay patronage, and he wrote to Otho to the same effect; 612. For instances of unfit men presented by the Pope, see *Letters Grosseteste* xix.

[5] Paris, 616, 627; *Hist. Angl.* II 430, 431.

[6] Paris, *C.M.* IV 9–35.

[7] Paris throughout speaks of a fifth from all; but the Winton Annalist has only a fifteenth, p. 88; and the Tewkesbury and Dunstable annals clearly limit the fifth to the case of the foreigners, with a twelfth from others.

Canterbury set them the example of submission. Each House, it would seem, and each individual, had to make the best terms that he or it could with the Legate.[1]

Otho having now done his work, Henry could find no further excuse for retaining him, and with a heavy heart was fain to let him go. On the 7th January, 1241, the Legate crossed the Channel.

The payment of his contribution to the Papal War must have been the last act of Rich's official life. Ignored by Pope and King, and effaced by the Legate, he threw up his functions in despair, retiring privately to Pontigny—Becket's old retreat—to pass away not many days later.[2] Of the many evils with which he was surrounded, we are told that the one that distressed him most was the Pope's laxity in indulging the King with the retention of vacant sees. The austerity and general integrity of his life placed him at once among the Saints of the Church; and miracles promptly began to be declared at his tomb.

Death of Archbishop Rich.

Another conspicuous personage removed within the year from the stage of British history was that second Achilles, 'the great Caesar,' 'the sleepless eagle,'[3] Llewelyn Mawr ap Iorwerth. For six and forty years, since the time when he ousted his uncle David, he had kept both March Lords and English government on the constant watch against his enterprises. He had raised Gwynedd to a position perhaps never before attained, annexing Powys, and bringing the Southern Princes, Maelgwn and Owain, the grandsons of Rhys, under his influence. The willingness of so wild a mountain chieftain to listen to the voice of the Church, that we have noticed, is a remarkable fact, not to be overlooked. The Prince died at Aberconway on the 11th April, in the habit of a monk, a death-bed profession.[4] The succession, as previously arranged with Henry, was given to Llewelyn's son David by the King's natural sister, Jeanne, to the exclusion of an elder brother Gruffudd, who was illegitimate and unruly. The matter had been clenched by the treacherous seizure and imprisonment of Gruffudd by his brother David. On the 15th May the new Prince did homage to Henry at Gloucester, and signed a treaty agreeing to submit to arbitration in the matter of the claims of Gruffudd, son of Gwenwynwyn, and other affairs.[5]

Death of Llewelyn of Iorwerth.

David Prince of North Wales.

Crusading zeal, though dying down, was not by any means extinct as yet. Devoutly minded and adventurous men still pressed forwards

[1] Paris, *C.M.* IV 9–35, 37–41, 60, etc. For sums actually paid or promised see Dunst. 154; Tewkesb. 116.

[2] Edmund died at Soisy, 16 Nov.; see Paris, sup. 32, 74; Ann. Wykes, etc.

[3] Green, J. R., I 160.

[4] See Ann. Camb. 82; *Brut.* 323, 327; and for the date, Paris, sup. 8.

[5] Id. and *Fœdera*, I 232, 235, 239.

Affairs of Palestine.

to give themselves to the work, the conversion of the Saracens being now one object aimed at. For the moment both Pope and Emperor opposed the movement, grudging the diversion of European forces from the personal struggle in which they were engaged.[1] Nevertheless, the ten years' truce negotiated by Frederic having expired (1239), expeditions were fitted out both in France and England; and the pilgrims succeeded in making their several ways to Palestine, in spite of Papal and Imperial opposition. The French armament included Theobald IV (or VI) of Champagne, King of Navarre since 1234[2]; Hugh IV, the young Duke of Burgundy; Peter Manclerc of Brittany; Henry II of Bar; Amauri of Montfort.[3] They sailed from Marseilles and other Mediterranean ports, but only to suffer a crushing defeat at Gaza on the 18th October. The Count of Bar was killed, Amauri of Montfort taken prisoner, the ranks of the military Orders and lesser gentry decimated.[4] In England the Earl of Cornwall, mindful of the glories of his uncle and namesake, took the lead.[5] The opportunity was turned to happy account in the way of healing feuds. Simon of Montfort regained the King's goodwill by volunteering to join. He came over to raise funds and had a cordial reception. Then Richard induced his brother to remit his illwill against the Earl of Pembroke, another Crusader, whom he had wantonly driven from court in 1238; while Gilbert in turn was induced to make friends with Maurice Fitz Gerald, the Justiciar of Ireland, his brother Richard's enemy. Cornwall's party apparently included William Longsword II, Earl of Salisbury, Baldwin of Redvers, Earl of Devon and Wight, John and Geoffrey Beauchamp, Geoffrey de Lacy, John Neville the Chief Forester, Peter Bruce, William Furnivall; as military adviser and chief of the staff, they had Thierry of Nussa, Prior of St. John's.[6] Leaving England in June they were welcomed in Paris on the 24th by King Louis and Queen Margaret, the sister of the English Queen. It would seem that the truce between England and France that would expire in the autumn was renewed.[7] In the course of the second week of September they sailed from Marseilles, and landed

The Earl of Cornwall.

His Followers.

[1] Paris, *C.M.* III 614–617.

[2] In succession to his mother's brother, Sancho VII 'The Strong,' King of Navarre. M. Koch, Tableaux.

[3] Martin, *France*, IV 168, 176.

[4] See the letters Paris *C.M.* IV 25, 310; *H.A.* II 433; Ann. Burton, 260; and the additions to Alberic, Pertz, XXII 946.

[5] Paris, *C.M.* III 620–627; Ann. Dunst. 150. The Earl had lost his wife Isabella Marshal, 17 Jany., 1239; Ann. Tewkesbury. Paris places the death in 1240.

[6] Paris, sup. 44–57; Ann. Tewkesb. 115; Winton, 88; Wykes, 87.

[7] See Paris, *C.M.* IV 183. There was a subsisting truce in March, 1242; *Fœdera*, 244.

at Acre on the 11th October.[1] Affairs there were at the lowest ebb from the defeat of the previous year, and military operations were found to be impossible. But Richard was able to contribute from his purse for the liberation of Gaza prisoners still in captivity; and he signed a fresh truce for ten years with the Egyptian Sultan Malek Saleh Nodgemeddin, confirming the territorial arrangements effected by Frederic II in 1229, and recognizing the possession by the Christians of the city of Jerusalem, the coast towns from Beyrout to Ascalon, with a number of minor strongholds.[2] The early months of 1241 were devoted to refortifying Ascalon; having made that border fortress safe, the Earl set sail at Acre on his homeward voyage (3rd May).[3]

Simon of Montfort.

Simon of Montfort went out independently of Earl Richard, with a brilliant following of his own, including the Earl of Pembroke, Hugh Wake, Thomas and Gerrard Furnival, and Amauri of Saint Amand, Steward of the King's Household. They went out *viâ* Lombardy and Brindisi, the Countess of Leicester accompanying them to Brindisi.[4] Of their further movements no record has been preserved; but it is clear that in Holy Land, as elsewhere, Simon's talents made an impression, as we have a petition from the barons, Knights and citizens of Jerusalem to the Emperor, praying that the Earl might be appointed to rule over them, as his Lieutenant, till such time as his son, King Conrad, should be old enough to take the post.[5]

Imperial Successes.

After two months' struggle with baffling winds Richard of Cornwall landed at Trapani on the 1st July. He was immediately taken to the Imperial Court, among the Apennines, at or near Terni.[6] Frederic had always sought to cultivate the Earl's friendship, and had more than once pressed for a visit from him. He was in the best of spirits, having just scored two notable successes. In April he had reduced the rebellious city of Faenza, after a protracted siege;[7] while on the 3rd May a whole batch of Church dignitaries, mostly Gallican, bound from Genoa to Rome for a Council summoned by Gregory to support his cause, were captured off the Island of Meloria by the Pisan fleet, fighting under the Imperial Flag. Three galleys had been sunk with all hands, and twenty-two taken, the captives including three Cardinals—the Legate Otho one of them

[1] Paris, sup. 43–47; Ann. Tewkesb. 116; Dunst. 152; Wykes, 86.

[2] Ann. Waverley, 328.

[3] See his letter, Paris, sup. 133–144. A map of the Frankish possessions in Palestine could be compiled from the details given.

[4] Paris, sup. 44.

[5] 7 June 1241 MS. Cott. Vespasian F. I, cited by Pauli and Prothero from Hudson Turner's *Household Expenses*.

[6] Richard's letter sup. Boehmer, cited Pauli.

[7] Paris, sup. 108, and the Emperor's letter, 126.

—four Archbishops—one of them drowned—with bishops, abbots, proctors and others, in all more than a hundred ecclesiastics high and low. The whole were sent to swelter and sicken in the fetid heat of a Neapolitan dungeon.[1]

After a due amount of feasting, in the course of which Richard was entertained, and perhaps slightly scandalized, by a dance of Saracen girls, he was sent to Rome to endeavour to effect a pacification. But, as ever, the Church refused to be satisfied with anything short of an absolute victory. 'The Emperor must submit himself wholly to the finding of the Pope.' Of course the mission came to nothing.[2]

Death of Gregory IX.

Confined to the walls of Rome, Gregory, a very old man, now succumbed to heat and malaria (21st August).[3] A successor, Celestine IV, elected under difficulties, died some seventeen days later (17th or 18th November). For eighteen months the Papal throne remained vacant.[4]

Henry III and his Subjects.

At home the King had been holding the even tenor of his way, missing no opportunity of showing his contempt for his subjects' feelings, and his anxiety to promote foreigners at their expense. The Earldom of Richmond was in hand, having been taken from Peter Manclerc of Brittany in January, 1235.[5] It was now conferred upon the Queen's uncle, Peter of Savoy. He came over to England and was knighted by the King during the Christmas festivities.[6] The new Earl of Richmond took it on him to propose a tournament to be held at Northampton, in which foreigners would be pitted against the English. Henry entered into the scheme, exerting his influence to secure the victory of the strangers, till, finding that his friends were likely to get the worst of it, he forbad the encounter.[7] Anything more likely to stir up national indignation than Henry's partizanship in this matter it is impossible to conceive. A tournament that was actually held at Hertford in June resulted in the death of the Earl of Pembroke, Gilbert Marshal. He is described as small of stature and originally intended for Holy Orders. He was

Death of Gilbert, Earl of Pembroke.

riding an Italian charger, one too high-spirited for his handling. Drawing the reins too sharply he broke the bridle, the horse throwing his head violently backwards struck his rider a blow on the chest that hurled him from the saddle; he was carried to a monastery and died at night.[8] As Gilbert left no

[1] Paris, sup. 125–130, and the Emperor's letter there.

[2] Id. 146–148.

[3] H. Nicolas; Pauli; Paris gives the 22nd August.

[4] Id.

[5] *Complete Peerage;* Doyle, *Official Baronage.*

[6] January, Paris, *C.M.* IV 85; *H.A.* II 445. For Peter, see Wurstemberger Peter II Graf von Savoyen; also Magnier. *Savoyards en Angleterre.*

[7] Paris, *C.M.* IV 88.

[8] Gilbert was buried in the round Temple Church in London with his father

issue, the succession fell to his brother Walter. Not many months before Henry had sanctioned his taking up the family estates in Normandy, and doing homage to Louis.[1] When he applied for admission to the Marshalcy and the Earldom he was met with a repetition of the old calumnies. Even the great Regent, the man to whom Henry owed his crown, was now included in the monstrous indictment. But public opinion was too strong for the King, even the Queen coming forward to mediate, and so the third Marshal brother had to be admitted to the Earldom and Office.[2]

Fresh Struggle.

The vacancy at Canterbury, for once in a way, was filled without a struggle. Edmund Rich at his death had left the Chapter under excommunication, imposed by him partly on account of their opposition to a scheme of his for establishing a college of secular canons at Maidstone, at their expense, like the unfortunate Hackington foundation of Archbishop Hubert Walter,[3] partly on account of less justifiable resistance to an enquiry as to the state of discipline and manners within their walls.[4] To obtain relief from the Archbishop's sentence application to Rome was necessary, and to gain the Pope's consent it was obviously desirable to have the King's support. Accordingly it was intimated to him that the monks were prepared to consider the merits of any man that he might like to suggest. Had the Elect of Valence been living he doubtless would have been the King's nominee. But William was dead ;[5] and so the King fell back on another 'uncle,' Boniface, a tall good-looking youth, who, though he had not risen above sub-deacon's Orders, had already, through Papal influence, been named for a bishopric, Bellay in Burgundy. He was utterly unknown to England and the [English,[6] but the monks accepted him without demur, and so the Elect of Bellay became the Elect of Canterbury. His consecration, however, had to stand over till he should attain to a fitting age.

A New Archbishop of Canterbury.

A more satisfactory matter effected by the King was the 'bloodless conquest of Wales,' as the Chroniclers were pleased to describe it. David, the son of Llewelyn, had evaded all the King's invitations to enter on the arbitration that had

A Welsh Campaign.

and his brother William ; Paris, IV 135 ; Waverley, 338 ; Wykes. Gilbert's life was not the only one lost in the tournament.

[1] *Fœdera*, I 240.

[2] 27 Oct ; Paris, *C.M.* IV 157, 158. The castles of Carmarthen and Cardigan were taken from Walter. A very justifiable resumption.

[3] See Pauli, I 643, citing Rot. Claus. 24 H. III, 19d.

[4] Paris, *C.M.* III 527 ; *H.A.*. II 410 ; Ann. Dunst. 156.

[5] He died, 1 Nov. 1237 ; Paris, *C.M.* III 622 ; Ann. Dunst. 149.

[6] "Hominem incognitum, scientia, moribus, et aetate tantae dignitati. . . . ut dicebatur insufficientem." Paris, *C.M.* IV 104 ; Ann. Dunst. 156. Boniface did not trouble to come to England till the spring of 1244.

been made the condition of his recognition. He had also been excommunicated for the imprisonment of his brother when under the safe conduct of a bishop. On the 2nd August Henry held a Council, and with their consent called for a muster at Chester in a fortnight. David was not supported by his chieftains, and had to submit without a struggle. On the 29th August he met the King's envoys on the river Elwy near St. Asaph, and made an entire submission, conceding to Henry the right to the direct homage of the Welsh barons, and binding himself to surrender Powys to the son of Gwenwynwyn, and parts of Merioneth to the sons of Maredudd, son of Cynan.[1] As for Gruffudd and his son Owain, they were delivered to Henry, as if to be set free. Not three weeks before the King had sealed an agreement with Senena, the wife of Gruffudd, accepting terms proposed by her for the liberation of the captives, and the assignment to her husband of a competent portion of land.[2] Nevertheless, the two now found that they had changed hands only to be committed to more hopeless captivity in the Tower.[3] Senena was permitted to share her husband's cell, the liberal sum of 6*s.* 8*d.* a day being allowed for their keep. But Gruffudd, unable to bear the confinement, made a desperate attempt to escape by letting himself down with an extemporized rope. The insufficient rope gave way, and Gruffudd, falling heavily to the ground, broke his neck.[4] David proved a true son of his father. His wings had been somewhat clipped, but he had not been crushed by the 'conquest.' During the six years that he reigned he continued "a most restless neighbour never to be trusted."

[1] *Fœdera*, I 242, 243.
[2] Paris, sup. 316–319.
[3] Id. 148–151 and *Hist. Angl.* II 453; Ann. Camb. and *Brut. in anno.*
[4] 1 March, 1244; Paris, *C.M.* IV 295; *Fœdera*, 256; Ann. Camb.; *Brut.*

CHAPTER VII

HENRY III (*continued*)

A.D. 1242–1245.

Disastrous Expedition to Gascony—Loss of Poitou—Re-marriage of the Earl of Cornwall—Relations with Scotland—Treaty of Newcastle—Constitutional Demands in Parliament—A Papal Nuncio—Council of Lyons—Expedition into Wales.

Louis VIII in arranging for the devolution of his dominions at his death, as if to undo the good work of his father, had gone back to the fatal system of creating big fiefs, to the dismemberment of the Kingdom. He had endowed his younger sons, not with mere legitimate appanages, but with whole provinces. Robert would become Count of Artois ; Alphonse, Count of Poitiers and Auvergne ; Charles, Count of Anjou and Maine.[1] At Midsummer, 1241, Louis IX, in compliance with his father's will, invested Alphonse with Poitiers. The affront to the Crusading Earl Richard, who had been created Count of Poitiers by his brother, as if to keep alive the memory of their grandfather's rights, was deeply felt in England.[2] But the incident would hardly have led to war but for the action of the Count of La Marche, by far the most powerful baron in Poitou. Holding Angoumois and Saintonge in right of his wife, he was lord of all the territory from the source of the river Creuze to the islands of Aunis and the mouth of the Charente. A man in such a position could not care to have the loose ties that bound him to his royal overlord at all strengthened. His consort, too, jealous of Louis' mother Blanche, thought it scorn that her husband should render homage to any but a crowned head. Having yielded reluctant allegiance to Alphonse, the Count and Isabel turned to England, dangling before Henry's eyes the prospect of a coalition of Arragon, Castile, Navarre, and Toulouse, to be arranged by them; troops he need not bring ; only money would be wanted. Having come to an understanding with the King, Hugh le Brun attended Alphonse's Christmas Court at Poitiers, but only to break

Affairs of Poitou.

The Count of La Marche.

Invitation to Henry.

[1] See Martin, *France* IV 131.

[2] Paris, *C.M.* IV 137 ; Ann. Dunst. 157.

with him in the most offensive manner, renouncing his allegiance, and then riding off with all his men in fighting trim, after setting fire to his quarters.[1]

To raise the funds that would now be wanted, Henry summoned a Grand Council to meet at Westminster on the 28th January, 1242. Needless to say, after the events of the previous year, that the King's request for a subsidy was flatly refused. The Barons used very plain language. With respect to war with France they advised the King to wait till either the truce had expired, or been broken by Louis ;[2] in the latter case they would certainly give help. As for money they had already given a Thirteenth, a Fifteenth, a Sixteenth, a Fortieth, sundry scutages and carucages, and lastly a Thirtieth under promises that had not been fulfilled. The proceeds of the vacant sees, escheats and wardships in hand alone, if properly husbanded (*si bene custodiatur*), would provide the King with a sufficient revenue.[3]

Grand Council.

Subsidy refused by the Laity.

Unable to overcome the resistance of the collective 'parliament' (*parlementum*), Henry sent for the individual peers, to see what personal pressure could effect. His efforts, at any rate with the clergy, were fairly successful, as we find the revenue for the financial year, Michaelmas, 1241–1242, rising to £38,000, a sum greatly in excess of the average receipts.[4]

The Clergy squeezed.

Lent was spent in preparations. Peter of Savoy and Peter of Aigueblanche, the Savoyard Bishop of Hereford,[5] were sent over to Gascony in advance. Henry himself sought for a blessing on his enterprise by pilgrimages to St. Edmunds' and other shrines. To make sure of peace on the Border the Bishop of Durham, Nicholas Farnham,[6] was instructed to arrange for the betrothal of the King's daughter, Margaret, to young Alexander of Scotland, another infant, not two years old. On Maundy

Matrimonial alliance with Scotland.

[1] See Martin, IV 145, 185, citing the *Life of St. Louis* by Tillemont, II 428–435.

[2] The truce was spoken of as negotiated by the Earls of Cornwall and Norfolk, probably in 1240 when the truce of 1235 would expire. That there was a truce subsisting is clear from *Fœdera*, I 244, Henry's order to respect it.

[3] See Paris, sup. 181, and the record of the proceedings alleged by him to have been drawn up, 188. This would be the earliest report of a Parliamentary debate handed down. See also Id. *Hist. Angl.* II 461 ; and Ann. Tewkesb. and Worcester, as for the thirteenth of which no previous notice occurs. Bishop Stubbs suggests that it may have been granted in 1217 *Const. Hist.* 60. But no other mention of the tax occurs. The list, however, "forms a complete account of the taxes raised constitutionally during the first half of the reign."

[4] Pell Issue and Receipt Rolls 26 Henry III ; Ann. Tewkesb. Worcester and Wykes ; Military tenants fined to stay at home ; *Fœdera*.

[5] Consecrated 23 Dec., 1240 ; *Reg. Sacr.* He was a follower of the late Elect of Valence.

[6] Consecrated 9 June, 1241. *Reg. Sacr.*

Thursday (17th April), Henry took formal leave of the Londoners,[1] an interesting Royal custom of the times. Four days later he took the road for Portsmouth.[2] On the 5th May, Walter Gray, the Archbishop of York, was appointed Regent during the King's absence, with Walter Manclerc, Bishop of Carlisle, and William Cantilupe as consultative committee.[3] On the 9th of the month, apparently, the King put out to sea. He took with him the Queen, Richard of Cornwall—who had come home in January—seven other Earls, 300 men-at-arms, and thirty casks of specie.[4] After landing at Saint Mathieu in Finisterre, for Sunday service on the 11th, the King finally landed at Royan at the mouth of the Gironde. On the 17th May, he signs at Pons; and between Pons and Saintes he spent the month of June, ending it at Taillebourg.[5]

Expedition to Poitou.

Henry affected to negotiate, instructing envoys to treat for mutual satisfaction as to breaches of the truce. A meeting was held, but Louis could not come up to the King's demands,[6] and Henry's insincerity was transparent, as he had already called the Gascon Barons to arms.[7] Louis had made every preparation, and it soon became clear that the war on the English side would be a defensive one. Henry had to write home urgent demands for reinforcements in men and money.[8] Louis acted with unexpected vigour. Hostilities having been provoked by the Count de la Marche, he entered Poitou, and captured the Lusignan strongholds one after another.

A defensive War.

He was attacking Fontenay[9] when he received Henry's declaration of war. He took the place, and then having reduced all to the North of the Charente, he came down to Taillebourg, a place of great strength on the right or North bank of that river, with a stone bridge across the stream. Henry, with the

Louis IX in the Field.

[1] *Liber de Antiq.*

[2] Paris, *C.M.* IV 189–191.

[3] *Fœdera*, sup.; Ann. Dunstable.

[4] Annals of Winchester, Waverley and Wykes.

[5] See the Itinerary compiled by M. Charles Bémont from our Rot. Gasconiae; *Rôles Gascons, I Supplement* xxvii. cnf. Paris *C.M.* IV 192.

[6] *Royal Letters*, II 22, 23, and especially Henry's letter to the Emperor, 25; also *Fœdera*, 244, 245. The allegation of Paris, sup. 203, that Louis offered to cede great parts of Normandy and Poitou, is utterly baseless and refuted by Henry's letter above.

[7] May 25–31; *Fœdera*, sup. Eighty-seven feudatories are summoned to appear with 481 men, all told. The majority were only asked to bring three or four followers apiece; but Gaston of Bearn had to come fifty strong, the Count of Bigorre twenty-five strong, etc. These authentic facts from the Close Roll 26 H. III are noticeable as bearing on the organization of Continental levies. Martin accepts the preposterous figures given by Paris.

[8] *Fœdera*, sup.

[9] Deux Sevres, near Niort; Martin.

Count of La Marche, had advanced to Tonnay, lower down the Charente, and so to the North of Taillebourg; the river flowing Northwards. But with extraordinary remissness the King had neglected to keep a safe hold of Taillebourg; he trusted, so he said, to the fidelity of Geoffrey of Rancogne, the lord of the place, who, when it came to the point, opened his gates to Louis.[1] By thus getting the control of the bridge at Taillebourg, the French had got to the rear of the position at Tonnay. The English now made a rush to Taillebourg to dispute the crossing of the Charente. But they found themselves outnumbered, and it was said that Henry himself was in danger of being taken.[2] The fortunate circumstance that the day happened to be a Sunday (20 July), enabled Henry to make an appeal to the scruples of his conscientious adversary. The Earl of Cornwall was popular with the French, whom he had helped in Palestine. Laying aside his armour he crossed the bridge with his pilgrim's staff, to beg for a truce. He was not allowed to see the King, but, formally or informally, Louis agreed to hold his hand for twenty-four hours; and the English, making the best use of their time, posted off to Saintes.[3] Next day Louis crossed the Charente in overwhelming strength; on the Tuesday (22 July) his van came into contact with the English rear under the Count of La Marche. A smart action ensued among lanes and vineyards outside Saintes, in which the English did something to retrieve their laurels. De Montfort was again to the fore, with the Earls of Salisbury and Norfolk, and the King's fighting chaplain, John le Mansel.[4] The French remained masters of the field, the English retiring into Saintes. But their position there was untenable. From Saintes to Pons, from Barbesieux to Blaye they were driven in utter rout. Henry lost all the furniture of his chapel, and did not feel safe till he had crossed the Gironde (4th August).[5] For a parallel exhibition of incapacity and failure the reader must go back to John's flight from la Roche-au-Moines in July, 1214. Poitou was lost to England, but the French were unable to push their advantage any farther. Their forces had been decimated by epidemics, and Louis himself had to go home ill.[6] Had Henry been willing, a truce might have been signed at once. Le Brun had

The English driven from the Line of the Charente.

Action at Saintes.

Retreat across the Gironde.

[1] So Henry to the Emperor, sup.; Paris, sup. 203, 206, 209.

[2] Ann. Dunstable.

[3] Henry signs at Saintes on the 20th July. Itinerary sup.

[4] "In armis strenuus"; Paris, IV 236. Mansel had already distinguished himself with the contingent sent to Italy in 1238; Paris.

[5] See Henry's letter to the Emperor, sup., also given in *Fœdera* under the year 1232, p. 206; Paris, sup. 210–213, 217–220; G. de Nangis, Bouquet, XX 338–341, and for the dates Itinerary sup.

[6] De Nangis, 339, 344; Paris, IV 224.

to make his peace with Louis by surrendering his remaining fortresses; but fortune enabled him to provide for his family by introducing his sons by Isabel to Henry as fitting objects for fraternal bounty.[1]

Henry at Bordeaux.

All through the autumn and winter Henry remained on the banks of the Garonne, amusing himself with contracting futile treaties of alliance and other efforts at a prosecution of the war.[2] One by one the English magnates went home in spite of violent efforts on the King's part to detain them. Again the Earl of Cornwall came forward to protest against acts of gross tyranny, Henry threatening to confiscate the estates of those who presumed to go. But it must be stated that Richard had a grudge of his own against his brother. At some early period, perhaps when creating Richard Count of Poitiers, the King had granted him the revenues of Gascony, and the Gascons had done homage to Richard as their lord. Now he was given to understand that the revenues in question would be required to provide a suitable establishment for the King's son Edward. This resumption, done at the Queen's suggestion, long remained a root of bitterness between the Royal brothers.[3] The last men to desert the King were de Montfort and the Earl of Salisbury. Simon remained in high favour despite the efforts of his hereditary enemies of Arragon and Toulouse to prejudice the King's mind against him.[4]

But the privateering initiated by Henry[5] had proved destructive to commerce. Peter Manclerc and the Bretons swept the Channel.

French Privateering.

The men of the Cinque Ports complained to the Regent that they could not even fish for the French cruizers. Gray had to intimate to the King that the war must cease.[6] On the 7th April, 1243, accordingly, Henry submitted to a truce to last till Michaelmas, and from thence onwards for five years. Even the Isle of Rhè had again to be recognized as French.[7]

Truce with France.

Of any demand for the King's return to England we hear nothing. As a rule his personal intervention in affairs had been simply a disturbing element. At Bordeaux he was allowed to remain in peace for five more months, supplies in money and kind being sent out to him. To meet his wants the Londoners and others were tallaged, and a scutage exacted from the tenants who had not

[1] Paris, sup.
[2] *Fœdera*, 247–249.
[3] See the whole story, Paris, *C.M.* V 291.
[4] Paris, *C.M.* IV 228–231. For grants to Simon, see Prothero, 50.
[5] *Fœdera*, 246, 247, 250.
[6] Paris, sup. 238, 239.
[7] *Fœdera*, 450.

Arbitrary taxation.

gone abroad, they having already fined to be allowed to stay at home.[1] On the 15th September apparently, the King sailed from Soulac on the seacoast,[2] having made himself almost as unpopular with the Gascons as with the English.

Return to England.

On the 25th of the month he landed at Portsmouth. By his own express orders he was received at Winchester and in London "with as much bravery as if he had conquered France." Not only were the Magnates from far and near summoned to greet their triumphant King, but even the faithful Boroughs were required to send up their representative four men, of course not empty-handed.[3]

Reception bespoke.

Early in the year the Earl of Cornwall, who had been left a widower in 1239, had proposed for the hand of the Queen's sister Senche or Sanchia, much to the dismay of the English. Hitherto Richard had on the whole stood with the Barons, and great hopes had been entertained of him. Married to a *Provençale* and the Queen's sister, he would inevitably be drawn to the side of the foreigners and the court. Not many days after the King's return the lady landed in England, under the charge of her mother, the Countess Beatrice. On Sunday, 22nd November, she was married to Richard at Westminster by the Archbishop of York. The banquet and pageants that followed were on a scale, till then, only associated with coronations, the Londoners acting as butlers.[4] The Earl also succeeded in obtaining from his brother a handsome settlement for Senche. In consideration of finally surrendering his Gascon grants, and also all claim to any lands in England or Ireland, except the Earldom of Cornwall, and the Honours of Wallingford and Eye, he obtained a prospective grant of £500 in land for himself and his Countess, and their issue, with an interim pension of £666 13*s.* 4*d.* in money from the Exchequer.[5] It would seem that the possessions surrendered by Richard were to be appropriated to the establishment of young Edward.[6]

Re-marriage of the Earl of Cornwall.

Marriage Settlements.

With the King's return, the struggle over the appointment to the

[1] Paris, sup. 227, 236, 242; *Fœdera*, 246; Bishop Stubbs, *Const. Hist.* II 6, cites from the Pipe Roll "fines militum ne transfretarent . . . præter scutagia sua." In Mr. Roberts' *Excerpta* from the Fine Rolls, I 385, the fine "ne transfretet" is given as 40*s.* The Ann. of Dunstable and Wykes give the scutage as 40*s.*

[2] Gironde. Henry signs at Soulac on the 14th Sept. out at sea on the 16th Sept. Itinerary, sup.

[3] Paris, *C.M.* IV 231, 255; Ann. Winton, Tewkesb. and Dunst.

[4] *Fœdera*, 254; Ann. Waverley, 330; Osney, 91; Dunst. 162. Paris, sup. 263.

[5] *Fœdera*, 253.

[6] So Pauli, citing Pat. R. 28 H. III 10.

See of Winchester entered on a new and embittered phase. William Raleigh, elected by the Chapter in 1238, had been kept out by Henry ever since. Not content with that, the King, to punish the monks for their contumacy in holding to an Englishman for their Bishop, had appointed a foreigner, one André, a Breton, to discipline them, and teach them better manners in future.[1] Gregory, to please the King, had left Raleigh's election unconfirmed. But a new Pope, Innocent IV, was now seated on St. Peter's Chair.[2]

The See of Winchester.

He promptly confirmed the election of Raleigh to Winchester (13th September), at the same time relieving him of his ties to Norwich, the see to which he had gained admission in 1239. On Christmas Eve the Bishop-Elect came to Winchester, but was kept out by the King's orders, though he went the round of all the city gates barefooted. Returning to the charge on the 30th December he preached a sermon outside Kingsgate, and then and there excommunicated the monks who had turned against him, and the civic authorities, and laid the whole city under Interdict.[3] He retired to St. Mary's, Southwark, to be fairly driven from thence and out of England by Henry's determined persecution.[4] The affair now had become a European scandal. Grosseteste took it up, urging Boniface the Elect of Canterbury to use his influence with the King and Queen.[5] Under general pressure Henry had to lower his tone, and propound conditions under which he would accept Raleigh. The Bishop met his demands in a conciliatory spirit ;[6] and was allowed to return to England (5th April, 1244). But it was not till the 29th August that the Interdict at Winchester was dissolved, and not till September that the Bishop was finally admitted to the kiss of peace.[7]

Bishop Raleigh confirmed.

But kept out of the City.

Lays it under Interdict.

Submission of the King.

Another rebuff in the matter of an episcopal appointment suffered about this time by the King may here be mentioned. On the 1st February, 1244, Geoffrey Neville, the worthy Chancellor, died at his London residence in Chancery Lane, properly Chancellor's Lane,[8]

[1] Paris, *C.M.* III 493 ; IV 159 ; *Hist. Angl.* II 449.

[2] On the 24 or 25 of June (1243) Cardinal Sinibald Fiesco was elected Pope and took the style of Innocent IV. Four days later he was consecrated ; H. Nicolas ; Paris, IV 256.

[3] Ann. Winton, 89 ; Waverley, 330–332 ; Paris, sup. 263.

[4] February. Winton, 89 ; Paris, 285 ; Ann. Dunst. 162.

[5] *Letters of Grosseteste*, 273 ; Paris, 297, 347.

[6] Paris, 350–352.

[7] Ann. Winton, 90 ; Paris, 390 ; Ann. Dunst. 332 ; Osney, 91.

[8] Paris, IV 287. The Bishop's memory is also preserved by "Chichester's Rents," out of Chancery Lane. On the question whether Lincoln's Inn was the Bishop's Palace, see Mr. W. P. Baildon's *Black Book of Lincoln's Inn* and Mr. G. J. Turner's *Lincoln's Inn.*

Chancery Lane.

and so named after him. The See of Chichester being thus vacant, Henry wanted it for Robert Passelew, who had seemingly been at the Treasury since 1242, when he was appointed Deputy to Peter of Orival. The Chapter, to please the King, elected Robert. But he had a bad name in connexion with fiscal exactions, and the whole Episcopate rose to protest against his promotion. Boniface, who had come over to do homage to the King and take possession of his temporalities, concurred in their action. Passelew was committed to the Bishop of Lincoln, for examination as to his theological fitness. Grosseteste, after examination, pronounced him utterly unfit. The election was quashed, a fresh election held; and Richard de la Wyche elected, confirmed, and finally consecrated by the Pope himself in spite of Henry's frantic protests.[1]

Examination in Divinity.

Scottish Affairs.

For a moment clouds seemed to threaten the good relations happily established with Scotland. Alexander II, left a widower in 1238, had taken as his second wife Marie, daughter of the aspiring House of Coucy (May, 1239).[2]

"Roy ne suis ne prince aussi
Je suis Seigneur de Couci."

Exiles banished from Scotland in the previous year were filling Henry's ear with jealous suspicions of French influence at the Scottish Court; his attention was also called to the building of a fort at the Hermitage in Liddesdale, and to the establishment of another Border fortress in Galloway. Questioned on these matters, Alexander was understood to have answered, as he was quite entitled to answer, that he owed no allegiance for any particle of Scottish soil. As we have seen again and again the homage of the Scottish Kings had always been left indeterminate. The treaty of 1212, though undoubtedly placing considerable restrictions on Scotland's freedom of action in respect of foreign affairs, had not defined the possessions in respect of which the homage was required, and Alexander had never been left without English holdings for which homage would be due.[3] His answer now, however, being thought unsatisfactory Henry called for a general muster at Newcastle on the 1st August, the Scottish King being invited to appear.[4] Here, again, Henry managed to mortify his subjects by asking

Homage for Scotland refused.

Meeting at Newcastle.

[1] Paris, sup. 400, 412; *Hist. Angl.* II 488; *Fœdera*, 261; *Letters Grosseteste*, 349; Ann. Waverley, 333; Dunst. 164; Worcester, 436. Wyche was consecrated by Innocent IV at Lyons, 5 March, 1245; *Reg. Sacr.*

[2] Chron. Melrose.

[3] Dr. Lingard is mistaken in doubting this. When Alexander ceased to have the over-lordship of Huntingdon, other rights were assigned to him to satisfy the claim to homage.

[4] *R. Letters*, II 37.

for foreign auxiliaries, "As if the English could not deal single-handed with the Scots."[1] Alexander duly came in force. But nobody on either side wanted war; and the Earl of Cornwall and Archbishop Gray persuaded Henry to accept a treaty giving him something less than he was entitled to under the treaty of 1212, on which the existing relations of the two countries were based. Under that compact, Alexander was bound to help and defend 'his liege lord' Henry as against all men.[2] Now he only pledges himself not to enter into any treaty hostile to 'his liege lord' Henry or his heirs, 'unless wronged by him or them' (*nisi nos injuste gravent*), and so long only as the arrangements of 1236 and 1237 should hold good. As the homage was still left indeterminate, the treaty was, in fact, a diplomatic victory for the Scots.[3]

Fresh Treaty.

But trouble was again brewing in Wales. David, not content with the territory assigned to him in 1241, had been struggling to regain the position held by his father, with a certain measure of success, only Gruffudd of Powys and a few others holding out against him; he was also at war with the Earl of Hereford on the question of their shares of the de Braose inheritance.[4] But there was a still more serious matter behind. David was attempting to get rid of the treaty of 1241, and his allegiance to England through the Papacy. He had made application to Innocent alleging that he had been placed by his parents under the guardianship of the Holy See (*datus fuerat in alumpnum*) and that the homage to Henry had been extorted from him under fear and by compulsion. Innocent, accepting his story, ordered him to be relieved of his oaths to Henry.[5]

Welsh Affairs.

David and Innocent IV.

Engaged with the Scottish affair, Henry had left the March authorities pretty much to their own resources;[6] but the eventuality of a Royal expedition to Wales had to be faced. Besides that the King was understood to owe money in Gascony and elsewhere for ordinary household necessaries. It is not clear that his revenue for the year was below the average,[7] but his expenditure was reckless. In January

[1] Paris, *Chr. M.* IV 359–361; 378–380; Chron. Melrose, 156; J. Fordun, 291, 292.

[2] See *Fœdera*, I 104.

[3] August, 14? Paris, *C.M.* IV 381; *Fœdera*, 257. Chron. Melrose.

[4] David was married to Isabel, daughter of William de Braose, hung by Llewelyn; the Earl's son, the younger Bohun, was married to her sister Eleanor; Roger Mortimer to Maud the eldest; while Eva married William Cantilupe. See Blaauw, Barons' War, 268; also Paris, sup. 358, 385, and note Luard; Ann. Camb. and *Brut*.

[5] Paris, 398; and the Bull of 8 April, 1245, revoking the prior Bull; *Fœdera*, 255 (wrongly given under 1244).

[6] *R. Letters*, II 38–39; *Fœd.* 256.

[7] The Pell Rolls for the year are wanting, but the Receipts for Michaelmas

he had promised his father-in-law a purely gratuitous subvention of 4,000 marks (£2,666 13*s.* 4*d.*).[1] To meet the King's needs a Grand Council was summoned to meet at Westminster on the 3rd November.[2]

Grand Council.

The times were not propitious for obtaining grants of money. The King's perverseness had reduced the Baronage to a state of chronic discontent; while the clergy were writhing under new and unprecedented demands pressed on them by Innocent IV. The Pope having taken up the war against the Emperor initiated by Gregory was of course, in need of funds; and in all his attacks on the English clergy the King was regarded as his accomplice. Henry had to prefer his request for a subsidy with his own Royal mouth, an unprecedented circumstance. The Council then adjourned, Prelates, Earls, and Barons retiring to consider the King's demands in three several chambers as three several Estates. The clergy, as the men who had most at stake, took the lead. At their suggestion a committee of twelve, four from each order, was appointed to draw up 'provisions,'[3] or a scheme of reform to be reported to the collective assembly before being presented to the King. The Prelates named were Boniface the Elect of Canterbury, not yet consecrated, Raleigh of Winchester, just installed, Grosseteste, and Walter of Cantilupe, Bishop of Worcester;[4] the Earls were represented by Cornwall, Norfolk, de Montfort and Walter Marshall, the Earl of Pembroke; while the Barons chose Richard of Mountfichet, "one of the few survivors of the twenty-five executors of the great Charter," John Balliol, and the Abbots of St. Edmunds' and Ramsey.

A Parliamentary Committee.

The paper, apparently drawn up by the Committee, marks a most striking advance in political ideas, its requirements amounting in modern phrase to a demand for Ministerial responsibility to Parliament, with control of the Public Purse. The document began by complaining of the violation of liberties 'bought, granted, and confirmed by royal charter' (*emptis, concessis et per cartam domini Regis confirmatis*); the issue of illegal writs for want of a proper Chancellor being a point specially condemned. To remedy these and other abuses the Council demanded the power of appointing a Chief Justiciar and Chancellor (both offices being vacant), with assessors, to be sworn of the King's Council, and to be in constant attendance on him, for the transaction of all business, without fear

Ministerial Responsibility demanded.

1243, £14,946, suggest a year's total, *quoad* Pells, not under £20,000. See Mr. Whitwell's Tables *Eng. Hist. Rev.* XVIII 710.

[1] *Fœdera*, I 254.

[2] Paris, *C.M.* IV 395, supplying the date omitted in his prior account of the proceedings. Henry signs at Westminster, November 2–20; Fine Rolls.

[3] "In provisione super his facienda."

[4] Consecrated 3 May 1237, *Reg. Sacr.*

or favour of person, including the control of the Treasury; no new Justiciar or Chancellor to be appointed without the assent of a Grand Council; two Justices to be always sitting *in Banco;* two Barons at the Exchequer, and one Justice at the Exchequer of the Jews.[1] Henry, naturally, demurred to terms that would have anticipated the work of the Long Parliament by four hundred years. He protested that he would do nothing under compulsion; if left to himself he would give every satisfaction. Unable "to bend or weary out" the stubborn resistance of the Baronage Henry turned to the clergy, producing a letter from the Pope urging them to give an Aid to their King.[2] The utmost pressure was brought to bear on the Prelates, individually and collectively, the King invading their chamber during debate. Towards the evening of the sixth day, the Barons having already gone home, the Bishops seemed to waver; but Grosseteste's determination held them to their purpose. 'Let us not be divided from the common Council; for it is written, if we be divided we shall all die.' The baffled King had to adjourn the Council to the 23rd February 1245.[3] When the Council resumed, a plea for a compromise was found in the engagement of the King's infant daughter; and an Aid for her 'marriage' was granted at the rate of 20*s.* the Knight's fee;[4] the King in return issuing a fresh Confirmation of the Charters.[5]

A United Council.

Adjourned Sittings.

A Compromise.

But the clergy had still to face the Papal demands above referred to. Early in the year England had been visited by one Master Martin, an agent, who, though not clothed with the dignity of a Legate, had been entrusted with powers exceeding those of any ordinary Legate. His instructions were to exact all outstanding arrears of dues and offerings, and to press for a general subsidy.[6] The Pope did not commit himself to the exact sum to be demanded, leaving that prudently to the discretion of the Nuncio, but it was understood that 10,000 marks (£6,666 13*s.* 4*d.*) would be asked for.[7] Besides all that, however, we seem to hear of a demand for annual contributions from the churches, a standing Papal rent. In the matter of interference with preferment by 'Provisions' Martin was said to have gone beyond anything yet attempted in England; and Henry himself had been

A Papal Agent.

His demands.

[1] Paris, sup. 363, 366.
[2] See the letter dated 29 July 1244; Paris, 363.
[3] Id. 363–366.
[4] Id. 372; Ann. Dunst. 167. The King would be entitled to call for the Aid without consent of the Grand Council when properly due, but it could not be considered due yet.
[5] 28 March; Statutes of Realm.
[6] See the Pope's letter, Paris, sup. 369; also 284–419; Ann. Dunst. 166.
[7] Ann. Dunst. 167.

moved to protest.[1] He now sent John Mansel to warn the Prelates not to involve their lay baronies in any obligations that would interfere with the due performance of their services to him. Encouraged by this support, the clergy refused the subsidy, taking up the line, taken by the bishops in 1226, that the needs of Mother Church ought to be met by contributions from all her sons; and that the matter would be one most proper for discussion in the impending Council.[2] For three months more Martin lingered in England, till a party of barons, assembled for a tournament near Dunstable, sent him a peremptory order to leave the Kingdom. Fulk FitzWarine took the message. Henry had forbidden the Dunstable meeting, regarding it as an armed demonstration against himself. He had to tell the Nuncio that he could not protect him; the country seemed to be on the verge of rebellion; he had better go. On the 15th July Martin sailed from Dover. But he left behind him a substitute, one Philip, to carry on the work.[3] The dismissal of Martin does not appear to have been the first occasion on which the Barons had taken it on them to act without the King. They had actually issued an order for seizing all Papal letters at the seaports. But when an opportunity came for enforcing the decree, at a word from Martin, the King cancelled it.[4]

Ordered off by the Barons.

Meanwhile the Council summoned by Innocent to crush his adversary was running its course. By the end of June 146 prelates, of whom very few were Germans, had gathered at Lyons. Henry and the English laity (*universitas angliæ*) were represented by a deputation consisting of Roger Bigod, Earl of Norfolk, Ralph fitz Nicholas, John fitz Geoffrey, Philip Basset, William Cantilupe, and William Beauchamp of Powic, the latter a clerk in Holy Orders.[5] At their instance, mainly, at the second sitting (5th July), an adjournment of fourteen days was granted, to give Frederic an opportunity of appearing, if he should feel disposed to do so. But his pride refused to stoop to an act of condescension that might have proved most embarrassing to his opponents, had he been politic enough to humble himself so far. When the sittings were resumed (Monday, 17th July), William of Powic, as secretary to the English delegation, rose to call

Council of Lyons.

Action of the English.

[1] Paris, 314, 367, 374; Dunst. sup. See also the official statement by the English envoys at the Council of Lyons that the English preferment held by Italians amounted to £40,000 a year more than the King's revenue. Paris, 443.

[2] Paris, 374–376; see also 284, 311–316.

[3] Paris, 420.

[4] Paris, 417; Rot. Cl. 29 H. III 11 dors. Pauli.

[5] Paris, sup. 419, 420; Cole, *Records*, 350, Stubbs

[6] Paris, 437; and Potthast Reg. Poutl. R.

attention to the grievances of the English. Innocent endeavoured to silence the speaker by ignoring him.[1] But William would not be ignored; and proceeded to read out a respectful but emphatic protest against the 'intolerable grievance' (*gravamen intolerabile*) of the proceedings of Master Martin; and the intrusion into English livings of Italians, men who could not speak English, 'mere wolves who neither knew their flocks nor were known of them.' The yearly amount drawn by Italians from England, they averred, had been found to exceed £40,000 a year, more than the King's own revenue. Innocent had no intention of relaxing his demands on the purses of the English clergy; he was preparing to ask the sanction of the Council to a general scheme of taxation of Church revenues. Being, however, forced to say something, he begged to be allowed to defer consideration of so weighty a matter to a later day.[2]

Protest against recent exactions.

As for the Emperor, a free life and free opinions had undermined the sympathy of Europe for his case. Innocent, a subtler man than Gregory, had based his indictment, not on political charges and acts of territorial aggression, but on the moral side of Frederic's offending; his contempt for the Church, her rites and ordinances; his toleration of Islam, his intercourse with Saracen women, at once heathenish and immoral.[3] But it is clear that the damning count in the eyes of the ecclesiastics sitting in judgment on Frederic, the crime for which the ingenuity of Thaddeus of Suessa could offer no sufficient excuse, was the fatal victory of Meloria, and the incarceration of the Princes of the Church. Nevertheless, the outer world must have been considerably startled, if not thunderstruck,[4] on learning that, on the 17th July, Frederic had once more been declared excommunicate, and deposed, both from elective Empire and inherited Kingdom; any person thenceforward rendering help or assistance to him as Emperor or King to be *ipso facto* excommunicate. The German princes were directed to proceed to the election of a new Emperor; as for the Kingdom of Naples, as 'the spiritual Patrimony of St. Peter,' it was reserved for the disposition of the Curia.[5]

Deposition of the Emperor.

The Emperor having been condemned and sundry Canons enacted, the Pope's scheme of taxation was brought before the Council, and

[1] "Ad quod Papa, nec oculos elevans nec vocem, verbum non respondit." Paris, 440.

[2] Id. 441–445; *Fœdera*, 262.

[3] Paris, sup. 268, 435. See also *R. Letters*, I 343.

[4] See the words of Paris, "Stupenda dampnatio ad instar coruscantis fulguris," 445, 456.

[5] Ib. For the date see Dumont, *Corpus Dipl.* I 190; Paul; and Potthast. Paris has 16 July. The Popes had claimed the suzerainty of Naples since the time when Robert Guiscard did homage for it.

the assent of the Fathers obtained to the levy of a Twentieth for Holy Land; while for 'succour to the Roman Empire,' they were induced to grant half the revenues of all benefices the incumbents of which were not resident for more than six months in the year, one third of the revenue of resident clergy whose incomes exceeded 100 marks (£66 13*s.* 4*d.*) a year, and one Twentieth from the others.[1] The English offered a vigorous but ineffectual opposition, one objection taken being the fact that the Pope refused to say into whose pocket the money for the 'Roman Empire' would go.[2] We also hear of denunciations of the 'infamous *non obstante* clause,' by which the most solemn obligations, the most primary laws and rights might at any moment [3] be set aside. We even hear of an attempt to repudiate the Papal rent. Innocent met this by requiring the bishops to sign an express recognition of John's charter.[4] At the same time, however, he issued Bulls again 'indulging' patrons, ecclesiastical as well as lay, with the exercise of their rights, and reversing some of Martin's acts.[5] As the universal Bishop, "the divinely appointed source of all ecclesiastical jurisdiction," [6] the Pope could still carry all before him.

Contributions agreed to by the Council.

Protests of the English.

The position of a Pope coming forward to ask for a subvention for the Empire, the standing foe of the Papacy, was audacious in its novelty. Of course the 'Empire' in question meant the cause of the Anti-Emperor Innocent was wanting to set up, namely, Henry Raspe, Landgrave of Thuringia.

An Anti-Caesar.

All through the winter a wretched border war had been waged with the Welsh. An inroad into Gwynedd, undertaken at the beginning of February, was repulsed with loss. In March the English garrison at Montgomery laid an ambush for a party of 300 Welshmen and cut them off to a man. This success was balanced by the capture of Mold by David, all the inhabitants being either slaughtered or carried off into captivity. The Bull relieving David of his oaths to Henry [7] had been cancelled by Innocent; but that had not brought the Prince to terms. Consequently Henry had to call out an army. In August he went down to the Welsh March; advancing to the line of the Conway he spent September and October rebuilding the fort at Gannock, otherwise Deganwy, on the

Border Warfare.

[1] See the Pope's notification to Henry, Paris, sup. 521; Ann. Burton and Wykes.

[2] Paris, 422.

[3] Id. 428; "infamis nuncius non obstante"; also Ann. Burton, 284; Dunst. 170.

[4] Ann. Dunst. 168; Paris, 479.

[5] 3 August. *Fœd.* 262; 263; Paris, 519–522.

[6] Tout, *Polit. Hist.* III 67.

[7] *Fœdera*, I 255 (given under 1244, wrongly).

east or right bank of the river; Aberconway (Conway) on the left bank had been recovered by the Welsh, the river being the boundary. The army in their tents suffered severely from weather and insufficiency of supplies, brought irregularly by water. On the other hand, the King, by way of starving the enemy into submission, had ravaged all the country round, forbidding any commercial intercourse with Cheshire. An Irish contingent had also been sent to devastate Anglesey. By the end of October, Henry, having done his work, had returned to Chester.[1]

Last of the Marshal Earls of Pembroke.

With the year ended in the male line the issue of the great Regent, and the mighty House of the Marshal Earls of Pembroke. Their works at Tintern, Raglan, Goodrich, Skenfreth and Chepstow still stand as monuments of departed grandeur. Walter, the fifth Earl, passed away on the 24th November, and Anselm, the last of the brothers, followed him to the grave on the 22nd of December.[2] Not one of them left any issue; the marshalcy therefore was assigned to Roger, Earl of Norfolk, in right of his mother, Maud (Maheut la Bigote), the eldest daughter of the Regent, married first to Hugh Bigot and secondly to William of Warenne IV, Earl of Surrey. The family estates would fall to be divided between Maud and her sisters or their representatives. The sisters were:—

"Ysabel," married to Gilbert of Clare, late Earl of Gloucester.

"Sebire," married to William Ferrers, son of William II, Earl of Derby.

"Eve," married to William de Braose.

"Johane," married to Warine of Montchensy.[3]

[1] Paris, sup. 385, 423, 481, 486; Ann. Burton and Worcester; Ann. Camb. and *Brut*. Fine Roll; *Fœdera*, 260, 264. See especially the interesting letter from a man in the English camp, 'We are here watching, praying, fasting and freezing,' Paris, 481.

[2] Paris, sup. 491, 548, and note Luard.

[3] See *W. Mareschal*, II 171. Ann. Winton, 90. Maud was invested in the first instance, 7 July 1246; and then passed on the office to her son.

CHAPTER VIII

HENRY III (*continued*)

A.D. 1246–1250

Domestic Affairs—Papal Taxation of the English Clergy—Welsh Wars—Ecclesiastical Courts curtailed—New coinage—The de Lusignans in England—Growing Breach between the King and 'Parliament'—First Crusade of Louis IX—Death of Frederic II.

PAPAL aggression again supplied the sole topic of discussion at a Grand Council opened at Westminster on the 18th March, 1246.

Grand Council.

In their condemnation of Papal taxation, Papal usurpations of patronage, the introduction of foreign clergymen, and the nullification of rights and agreements by *non-obstante* rescripts all seemingly were agreed. The special point, however, for consideration was the demand for the Twentieth for Holy Land, now assessed at a gross sum of £4,000, which was being pressed by the Pope.[1]

Papal Twentieth.

The demand had first been preferred by Master Martin while he was in England. The King, who had begun to realize how much his own sources of revenue might be affected by the Papal requirements, was in a state of great excitement, and vented his feelings in querulous appeals for sympathy to those around him. It was resolved that several remonstrances should be addressed to Innocent by King, Bishops, Abbots, and Barons: pending the coming in of the Pope's answer the collection of the £4,000 to be for bidden.[2]

Futile Remonstrances.

The amount of the Papal 'tallage,' as it was called, was not really serious; in the language of a modern statesman it might have been called a flea-bite, but the mode of its imposition by mere Papal fiat was both irritating and alarming.

William Beauchamp of Powic, who was entrusted with the remonstrances, got little satisfaction from the Pope, Innocent simply remarking that if the King wished to tread in the tracks of the Emperor he might please himself.[3] In his written communication Innocent

[1] See Paris, *Chr. Maj.* IV 554.

[2] Id. 518, 526, 529–536, 554–558. The King's letter is dated 28 March. See also Ann. Burton, 278–285.

[3] Paris, sup. 560.

adopted a gentler tone, pointing out the extreme urgency of the state of affairs in Palestine, overrun by the Karismians,[1] and reminding the English that not England alone, but the whole of Christendom had been called on to contribute. Therewith he sent orders to enforce the levy.[2] The Pope's answer was laid before another Grand Council held at Winchester on the 7th July. King and Barons were furious, and proclamations were issued forbidding payment. Henry also wrote to the Bishops, and among others to Grosseteste. Robert answered that he had no option in the matter; but that even if he had it would indeed be strange if he and his Episcopal brethren were not ready to do that and much more for their spiritual Father in his tribulation and exile.[3]

Grosseteste and the Pope.

The Pope was threatening an Interdict; the Bishops knew that the King could not be depended on for support; while the Earl of Cornwall had suddenly declared himself on the Papal side. After all his vapouring proclamations Henry gave way and allowed the money to be paid.[4]

General Submission.

The King in fact was helpless in the hands of the Savoyard party, now joined by the Earl of Cornwall, and the Savoyards were hand in glove with the Pope, and could obtain from him anything that they wished. In the previous year Innocent, to the great indignation of the Canterbury clergy, had granted Boniface the first-fruits of all the Province (i.e., the first year's income of all benefices falling vacant) for seven years, the excuse being that the See was in debt, "partly it was said through the enormous expense attending the Translation of St. Thomas Becket." Extreme measures had to be resorted to before payment of these firstfruits could be obtained.[5] England was in too divided a state to make any stand for national rights. The laity were fairly united, but they had no leader. The clergy were utterly divided. The old Benedictine foundations were antipapal. The Cistercians, Premonstratensians, Templars, Hospitallers and other exempt Orders were all Papal. So were the Mendicants, then fast rising to the zenith of their usefulness and popularity, the most favoured, as well as the most efficient, of Papal instruments. Their zeal made its way to every hearth in the Kingdom, from the King's Hall to the cottage of the villein. Indefatigable in preaching, merciless

The Savoyards.

Church Parties in England.

The Friars Preachers

[1] Savage hordes from the banks of the Caspian who, driven from their homes by the Moguls, fell upon Syria and devastated all Palestine; Gibbon, *Decline and Fall*, VI 358 (ed. 1898).

[2] 12 June. *Fœdera*, 266 (dated anno quarto, but surely belonging to 1246).

[3] *Epp. Grosseteste*, 340.

[4] Paris, sup. 561, 577. Ann. Dunst.

[5] Paris, 506, 537, 636; *Hist. Angl.* III 4; *Epp. Grosseteste*, lxiv. 276.

towards heretics, they identified the supremacy of the Papacy with the Kingdom of Christ. Henry supported them because the Pope supported them; Grosseteste and other ardent churchmen supported them from sympathy with their missionary work among the poor; the old foundations and the parochial clergy for the most part regarded them as pestilent interlopers. Having got extensive control of the Pulpit, the Preachers and Minors (*Predicatores, Minores*), as they were always called at the time, were now arrogating to themselves the Confessional also. But again we hear of bitter jealousies between the rival Orders. The Preachers or Dominicans claimed to be the older and more dignified institution. The Minors boasted of their greater humility and asceticism; Preachers could allow themselves to eat meat—an indulgence of which no son of St. Francis could be guilty.[1]

and Friars Minors.

Henry's devotion to the Savoyards certainly was wonderful. Early in the year, in return for the nominal cession of Susa, the Fort de Bard, and the Bourg Saint Maurice, he had granted Count Amadeus of Savoy a pension of £1,000 a year; and promised to marry the Count's daughter to one or other of the young Earls then in wardship.[2] As if to keep an even balance between the burdens on laity and clergy, Henry, during the year, imposed a very heavy series of tallages on all the chief cities and boroughs; London had to pay 2,000 marks; York, 500 marks.[3] With these incomings the revenue for the half year from Michaelmas 1245 to Easter 1246, rose to nearly £18,000, a considerable sum.[4]

Tallages.

The Revenue.

At the period of our history that we have reached, Papal aggression and Welsh troubles appear to aim clalternate pages. David II, son of Llewelyn, passed away in the spring after six years of troubled rule.[5] As he left no issue the succession fell to his elder nephews, Owain the Red and Llewelyn, sons of the unfortunate Gruffudd, who broke his neck in 1244. 'And then by the advice of good men they divided their dominions between them into two halves'; a portion being assigned to the third brother David. This partition, however, would leave the country defenceless as against the English, who might be expected to take advantage of the opportunity; as in fact very shortly came to pass. But, again, the natives themselves were the first to let loose the waters of strife. Maelgwn the Little, son of Maelgwn, son of 'the lord Rhys,' had been the leading chieftain in South Wales since the death of his father in

Welsh Princes.

[1] See Paris, *C.M.* IV 279, 511–517.

[2] *Fœdera*, 554; Paris, 550.

[3] Pipe Roll 30 H. III; Madox, I 107.

[4] Pell Roll, Mich. 30 H. III. R. S. Whitwell, sup. The Roll for the other half of the year is wanting.

[5] 21 February, Ann. Worcest. March, *Brut.*

1231. In that same year he had captured Cardigan; in 1233 he had joined Llewelyn in a lengthy siege of Carmarthen, and since then he had built himself castles at "Trev Ilan," and "Garthgrugin." [1] Now, however, he was attacked by his cousins Maredudd, son of Rhys the Hoarse, son of 'the lord Rhys,' and Maredudd, son of Owain, son of Maredudd, son of 'the lord Rhys'; these two acting in concert with Nicholas de Moleyns, Constable of Carmarthen. Between them Maelgwn was expelled and driven to take refuge with his family in Gwynedd. Simultaneously the Earl of Gloucester, hereditary foe of the Welsh, had expelled Howel, son of Maredudd, from Glamorgan.[2] Flushed with these successes de Moleyns pressed on to attack the sons of Gruffudd, cruelly treating the harbour of Maelgwn as a *casus belli*. Gruffudd of Powys, of course, joined in; their raid was pushed to the banks of the Conway; between the war in the South and that in the North, Wales was devastated in all its length and breadth.[3] The music of her harp quenched in blood; one bishop dying of a broken heart, another smitten with blindness, two more driven forth to beg their bread, such are the incidents of the dismal picture.[4] The result was that next year the young Princes of Gwynedd were forced to make a humble submission. They ceded to the King the four cantreds of Perveddwlad, or the district between Cheshire and the river Clwyd; agreed to serve in war with specified contingents; confirmed the right to exact homage from their under-tenants; and pledged themselves to submit to the jurisdiction of the royal officers in all suits relating to land, to be decided in Wales or on the border. Only "Snowden" and Anglesey were supposed to be left to them.[5] "The work of Llewelyn ap Jorwerth was completely undone." [6]

Wales devastated.

Before the Twentieth could well have been paid up Innocent had begun to arrange for getting in the next contribution announced in the Council, namely, the percentages on the incomes of the several classes of clergy, amounting in some cases to a half, in others to a third, while in other cases again, the Supreme Pontiff would be satisfied with a mere Twentieth.[7] The war with Frederic still had to be carried on. The Emperor had made,

Further Papal Demands.

[1] Trefilan, Cardiganshire. Llangranog (?), same county. *Brut.* 319, 323, 327, 331.

[2] *Brut.* 333.

[3] *Brut.* 333; Ann. Camb.

[4] Paris, IV 647.

[5] See the treaty, 30 April, 1247, *Fœd.* 1267. Flint and Denbigh, however, were not finally acquired by the English till 1277.

[6] Tout.

[7] See the instruction to Marinus of the 29th December, 1246, *Fœdera*, 264; and those of the 12 October, 1246, to John Provincial of the Minorites, Paris, 618.

through Louis, most humble offers. For the sake of pardon and absolution he would abdicate in favour of his son Conrad, and retire to spend the rest of his days in voluntary exile in Holy Land, fighting under the banner of the Cross. But, in spite of all Louis' remonstrances, the Vicegerent of Christ upon earth held that his adversary had sinned beyond forgiveness.[1]

A Merciless Pontiff.

To consider the new demand, assessed at a gross sum of 11,000 marks[2] (£7,333 6*s.* 8*d.*), a Grand Council was called to meet at Westminster on the 3rd February, 1247. Trifling as the amount was, if correctly given, the discussions were prolonged over several days. In Gaul the Magnates had been organizing resistance to Papal and ecclesiastical encroachments, and Louis had approved of their action.[3] But in the distracted state of English politics, fresh futile remonstrances to the Pope and Cardinals was the only step that could be agreed upon.[4] The matter again came up at another 'Parliament' held at Oxford in April.[5] But if any hopes of effectual resistance had been entertained they were speedily dashed, even those inclined to resist finding their voices overpowered. A submission to the Pope's requirements was carried, with certain modifications, which he, however, refused to accept.[6]

Grand Councils.

Fresh Submission.

To this Oxford Council might perhaps be ascribed some legislative work of which we now hear, namely, measures curtailing the jurisdiction of the Ecclesiastical Courts, and reaffirming some of the points contended for by Henry II in his Constitutions of Clarendon. In this matter we are told that the King was following the lead of Louis and the French Barons. The Courts in question are forbidden to entertain suits against laymen except in matrimonial and testamentary causes, and cases relating to Wills; they are especially forbidden to entertain suits for breaches of trust or perjury as against laymen; while clerks are forbidden to bring actions for tithe before their own Courts, even under cover of a certain royal writ known as the writ *Indicavit*. A clause not fully given deals with the arrest, by the King's officers,

Ecclesiastical Courts.

Curtailment of Jurisdiction.

[1] For the interviews between Innocent and Louis at Cluny, see Paris, sup. 434, 504, 522.

[2] On what basis this assessment was grounded I do not understand.

[3] Paris, *C.M.* IV 590, 592, 614. The King was at Westminster February 3–14; Fine Roll.

[4] Id. 594–597; see also 580–585.

[5] 14 April, Wykes; 19 April, Ann. Winton; 7 April, Paris, 622.

[6] Paris, sup. and the Pope's letter of the 17 July, 618. St. Albans, from which 400 marks were demanded, compounded for 200 marks, but with 200 marks more for the costs of obtaining the reduction; Paris, 617, 621. Dunstable, that paid £4 or £5 for the Twentieth now paid £19 6*s.* 2*d.* But the honour of a visit from the King and Queen in August cost them as much or more.

of clerics accused by laymen, an evident blow at the monstrous nuisance of the 'liberty' of the Church.[1]

New coinage.

An interesting matter undoubtedly taken up at Oxford, was the state of the currency. The silver penny, the current coin, was mostly so clipped as to have lost nearly one-third of its weight. In some cases nearly the whole of the legend had been cut off. Insidious counsellors were not lacking to suggest the easy French expedient of a debased currency; but sounder finance gained the day. The standards of weight and purity were maintained; but to check clipping in the future a new die was adopted, differing from the old one in having the cross on the reverse prolonged almost to the edge of the coin, no piece to pass current unless the cross was intact. A further innovation now introduced was that of three pellets in each angle of the cross, "a device which continued almost without variation for nearly 300 years."[2]

Richard of Cornwall.

The Earl of Cornwall, a man with a decided turn for finance, took an active part in the matter, and made large advances to the Treasury for the new currency, receiving in return power to coin money in the King's name for five years at half profits. At his suggestion the old currency was put wholly out of circulation, at dates differing in different places. As the old coin was only exchanged for the new at its mere weight as bullion, less a charge of thirteen pence in the £1 for mintage, the operation involved heavy loss on all holders of the old specie. 'Men declared that they would sooner have seen wheat at 20*s.* the quarter.'[3]

Death of Queen Isabel.

In the course of the previous summer (1246), the Queen Dowager, Isabel of Angoulême, had passed away.[4] Henry had always shewn himself a dutiful son. Not content with paying marked respect to the memory of his mother,[5] he took upon himself the burden of providing for her younger children by her second husband. The late war had largely cut down the Lusignan possessions, and the family in other respects also would find

[1] Paris, sup. 614. In 1246 Grosseteste's proceedings elicited a prohibition against entertaining suits except in matrimonial and testamentary causes: Id. 580. The writer seems to hint at offensive inquisitions as to faith and morals instituted at the instigation of the Friars Preachers and Minorites.

[2] Hawkins, *Silver Coins of England*, 90.

[3] See Paris, *Chr. Maj.* IV 632, and V 15, 18; Wykes, 96; Waverley, 339. On the 27th July Henry acknowledged the receipt of 10,000 marks from his brother. R. Pat. 31 H. III m. 4 and 5. The leave to coin originally granted for five years was extended to twelve years, Pauli, I 673, 674, citing R. Claus. 35 H. III 10 dors. In 1244 wheat had been at 2*s.* the quarter, Paris IV 402; in 1246 it rose to 16*s.* the quarter, Wykes.

[4] Paris, sup. IV 563.

[5] In 1250 Henry ordered the Norman Abbeys to mark Isabel's obit as a special day in their 'martyrologies'; *Fœdera*, I 275.

themselves in a less comfortable position since Poitou had fallen under French domination. Five sons had Isabel borne to the Count, namely, Hugh who succeeded his father as Hugh le Brun XI of La Marche; Guy who succeeded to his mother's Angoulême: Geoffry; William, known from his birthplace as William of Valence, and Ethelmer or Aylmer. Three daughters made up the goodly tale; namely, Margaret married to Raymond III, Count of Toulouse; Aelise; and Isabel married to Maurice de Crouin. Three of the sons, Guy, William, and Aylmer, with their sister, Aelise, made their appearance in England early in the year (1247)[1] much about the time when Peter of Savoy, 'the King's most confidential adviser'[2] brought over a pair of noble Provençal damsels also to be settled in England.[3] The young ladies were soon disposed of. On the 16th April Aelise of Lusignan was married to John of Warenne, the young Earl of Surrey;[4] early in May the Provençal ladies, being one a daughter of the Marquis of Saluces, and the other presumably the daughter of Count Amadeus himself, were respectively married the one to young Edmund de Lacy, Earl of Lincoln, and the other to Richard de Burgh, son of Richard the Irish magnate, Hubert's brother, who had acquired great estates in Connaught;[5] while in August, William of Valence received the hand of Jeanne, daughter and heiress of Warine of Montchensy (Mont Cenis) by "Johane" or Jeanne Marshal, youngest daughter of the Regent; a connexion that brought William at once a share of the Pembroke estates, and a possible opening for a claim to the Earldom in the future. Meanwhile he was put into possession of the castle and Honour of Hertford.[6] He was an especial favourite with the King, who, in 1242, had already bestowed on him a pension of £200 a year.[7] His brothers were not neglected. Guy was knighted on Whitsunday, and sent home with a comfortable purse of money; Aylmer, a mere boy, had been already destined for Holy Orders. The King sent him to Oxford, and gave him a stall at St. Paul's and other emoluments until a bishopric could be found for him.[8]

Her second Family.

Heirs and Heiresses.

In the Calendar of Henry III the Feast of the Translation of the Confessor King was always a red-letter day. But the 13th October,

[1] Paris, sup. 175, 209, 217, 627 and notes; Blaauw, *Barons' War*, p. 22; citing *Arch. Journal*, 1853, p. 359.

[2] "Regis secretissimus consiliarius"; Paris, *Hist. Angl.* III 17.

[3] Paris, *C.M.* IV 568, 627. February.

[4] Liber de Ant. 12.

[5] Paris, 628; Gilbert, *Viceroys*, 92, where, however, the de Burghs are represented as sons of William fitz Aldelin, an old exploded error.

[6] Paris, 628, 650.

[7] Rot. Gasc. 19 H. III; Pauli.

[8] Paris, 650; Rot. Claus. 32 H. III 12; Pauli; Ann. Dunst. 171.

A Phial of the Holy Blood.

1247, was marked by an event of no ordinary importance. All the magnates had been summoned to appear to receive 'glad tidings from above' (*jocundissimos coelitus rumores*), that the King had to impart. The belief of the age in miracles and relics was still unbounded. A few years earlier the exquisite *Sainte Chapelle* in Paris had been built to hold the Crown of Thorns and a fragment of the True Cross, presented to Louis by the bankrupt Emperor, Baldwin of Constantinople, whose necessities drove him to every expedient. Henry's news was that he had just received by the hands of a Brother of the Temple a crystal phial containing some drops of the Holy Blood of Christ, together with certificates of authenticity, under the hands and seals of the Grand Masters of the Temple and Hospital, the Patriarch of Jerusalem and other dignitaries. The Holy Relic had been deposited in the first instance at St. Paul's, but its final destination was St. Peter's, Westminster. After a vigil duly marked by fasting and prayer, the King, on the 13th October, carried the relic with his own hands from St. Paul's to Westminster. He walked on foot in simple attire, with his eyes devoutly fixed on the phial, which he held up to the level of his face. On either side an attendant supported his movements, while a canopy was duly held overhead. All the London clergy joined in the procession with banners, crosses, and tapers; the Westminster clergy met them halfway 'at the door of the Bishop of Durham's Palace.'[1] But the 'indefatigable King' (*Rex indefessus*) was not content till he had taken his precious relic round the Hall, and even round the private apartments at Westminster. Later in the day Henry assumed his most gorgeous robes and a light coronet,[2] and held a court, in which William of Valence and other noble youths were knighted with all possible pomp.

With respect to the acceptance of the Sang Real it is right to point out that there were some "slow of heart to believe" who ventured to express doubts. They were referred to Grosseteste. But the Bishop only ventured to argue for the physical possibility of the preservation of drops of blood shed by Jesus in his life-time, without pledging himself to the genuineness of those in question.[3]

The jealousy excited by the King's persistent promotion of foreigners, and the trouble and loss caused by the change of currency, now coming into play, doubtless contributed to the ill-temper of the February

[1] On the site of the present Adelphi Terrace; Wheatley and Cunningham, "London."

[2] "Coronula aurea quæ vulgariter garlanda dicitur."

[3] Paris, IV 640–644. The Chronicler was present and was specially ordered by Henry to record the proceedings. For Grosseteste's discussion see Id. VI 133 and Stevenson, 264.

Grand Council.

'Parliament'[1] of 1248. The King having asked for a subsidy was met by multifarious complaints. In addition to the old grievances, we hear of the seizure of provisions and goods for the King's use—even of wax for tapers to be offered in church—of the impressment of horses and carts, and other arbitrary proceedings destructive to trade. But most of all the Barons protested against the King's continuing to govern without any Chief Justiciar, Chancellor, or Treasurer approved of 'by the Common Council of the Realm.' They saw that a man of position, in touch with themselves, might exercise some control on the King's action; whereas officials like John Mansel, the Keeper of the Seal,[2] and Robert Passelew, who apparently had charge of the Treasury, would have to do whatever they were bidden to do. The King since he got rid of Hubert de Burgh had been able to do just as he pleased. The Barons had succeeded in getting rid of des Roches, but they had failed to substitute any satisfactory advisers to the Crown.

Demand for Responsible Advisers to the Crown.

Henry in answer to their complaints was again ready with promises; but he begged to be allowed time to look about him. An adjournment accordingly to the 8th July was agreed to.[3] When the Council resumed the King was found to have hardened his heart; he told the Barons plainly that he would not be their slave, and that he would be as free to choose his servants as they were to choose theirs. Of course no subsidy was granted.[4] With Peter of Savoy and William of Valence to advise the King the result might have been anticipated; but Henry was in such straits, that he had to sell plate and jewels.[5] Yet as recently as the month of February he had thrown away an annual payment of 700 marks, gratuitously assigned to Amadeus and Peter of Savoy.[6] But the sale of plate would not go far; and Henry had to fall back on his old expedients, tallaging boroughs and Jews, seizing goods, and begging loans from religious Houses. With the laity he would be less successful.[7] To illustrate the complaints of the Barons we have two gross cases of interference with the course of trade within the year. Thomas of Savoy had obtained from his late wife the Countess Jeanne of Flanders (relict of Ferdinand or Ferrand of Portugal) a jointure of 6,000 *Livres Artois* a year for his life. Henry

The King hardens his heart.

His difficulties.

[1] This term now begins to appear, not only in the chroniclers', but also in the official Records, as on the Close Roll of the year, 32 H. III 12 dors; Pauli.

[2] So since Nov., 1246; Foss.

[3] 9 February 1248; Paris, *Chr. Maj.* V 5–8.

[4] Id. 20.

[5] Id. 21.

[6] *Fœdera*, 269; Fine Rolls, II 28.

[7] Paris, sup. V 22, 49–53; *Hist. Angl.* III 37, 38.

Interference with Trade.

issued an order that if the pension fell into arrear the persons and goods of all Flemings landing in England should be detained till the money was paid.[1] Again having instituted a fifteen days' fair at Westminster for the benefit of the Abbot, he ordered all other fairs throughout the Kingdom to be suspended; and all shops and stalls in London to be closed during the time.[2]

The "annual debate" was repeated at Easter, 1249, and the appointment of the three great officers again demanded. Hopes had been entertained of success through the support of the Earl of Cornwall, but again he proved a broken reed. He suddenly found that his presence was needed in the country, and the Council broke up without making any grant.[3] With respect to the King's needs we find an arrangement made at this time by which the modest sum of £1,000 was to be set apart from the Easter receipts for the household expenses.[4]

Grants refused.

As might be supposed under a weak and unpopular government crime and a general contempt for the royal authority were rife. Thus within a few months we hear of the Savoyard Prior of Thetford stabbed to death by one of his own monks; of a Norfolk Knight, and a wealthy parish Rector foully mutilated through jealous revenge;[5] of an association of robbers who terrorised Hampshire, and ventured even to appropriate some of the King's own wine. Some merchants from Brabant who had been despoiled of 200 marks having threatened reprisals, Henry took the matter up warmly. A jury from the neighbourhood, having failed to present any of the guilty ones, were sent to prison: a second jury, taking warning from their fate, presented a string of culprits of whom thirty were hung, some of the offenders being actually connected with the royal Household. Left without pay, they said, they had to help themselves.[6] William of Valence urged the young nobility to hold a tournament in spite of the King's prohibition.[7] Walter Clifford, a leading March Baron, forced a King's messenger to swallow a writ with which he had attempted to serve him—wax and all. We are bound to add that in none of these cases did the guilty persons escape punishment.[8]

Prevalence of Crime.

[1] 1 February 1248; *Fœdera*, I 268.

[2] Paris, sup. 28; "Universis sopis et seldis mercatorum in Londoniis interim clausis"; *Liber de Ant.* 14. The Dustyfoot Courts of the Abbots of Westminster would take their origin from this fair.

[3] Paris, sup. 73.

[4] *R. Letters*, II 54. Philip Lovel now appears as Treasurer. Robert Passelew took a living in the country and left the Exchequer. Paris, sup. 94.

[5] Id. 31–35.

[6] Id. 56–60; *Hist. Angl.* III 46.

[7] Paris, *C.M.* V 54.

[8] Id. 95.

During the years 1249 and 1250 public attention in England was chiefly engrossed with the fortunes of Louis IX and his companions in arms. On the 12th June, 1248, he took the Oriflamme from the Abbey of Saint Denis, and assumed the pilgrim's staff and wallet. Passing through Lyons he made one more unsuccessful attempt to induce the Pope to come to terms with Frederic, if only out of regard for the paramount interests of Holy Land, sacrificed by Innocent for the war of the Church. On the 23rd August Louis sailed from Aigues Mortes, a Mediterranean harbour specially constructed by him. With him went Queen Margaret, and his brothers Robert of Artois and Charles of Anjou. Landing in Cyprus in September he was detained there for eight months by difficulties attendant on the mustering, victualling, and transporting of his forces. Egypt, as the chief seat of the Mussulman power, was again the point to be attacked. On the evening of the 3rd June, 1249, the Crusaders found themselves off the low coast at Damietta. On the morrow a bold landing was effected, in the face of the Sultan's Mamelukes, arrayed along the beach. For the first time in mediaeval history the French *noblesse* had to fight on foot, and the result was a victory! Closing their ranks as they reached the shore, and standing on the defensive with grounded shields and levelled spears, they baffled all the charges of the Saracen cavalry; the discomfited Mamelukes retired on Mansurah, leaving the men of Damietta to take care of themselves, and they, panic-stricken, evacuated the town in the night. On Sunday, 6th June, the French entered without striking a blow.[1] The news was brought to London on the 21st September by Archbishop Boniface, who had come to England to be enthroned.[2]

Louis IX on Crusade.

Landing at Damietta.

Naturally a great impulse was now given to Crusading ardour, already running high. Estates were being mortgaged or sold to raise funds.[3] A climax, almost comic in its absurdity, was reached on Mid-Lent Sunday (6th March, 1250), when the King himself took the Cross from the hands of Archbishop Boniface in Westminster Hall. All London was invited to be present; and Henry formally apologized to the citizens for his many invasions of their rights.[4]

Henry takes the Cross.

[1] Martin, *France*, IV 215–221; Ann. Winton and Wykes.

[2] *Liber de Ant.* 15; Paris, *C.M.* V 81. Boniface was enthroned on the 1st November. Ann. Winton.

[3] Paris, sup. 78, and *Hist. Angl.* III 70; Ann. Tewkesb. 138.

[4] Paris, *C.M.* V 100; *Liber de Ant.* 16. At this very time Henry was trying to deprive the Londoners of some of their rights in favour of his pet Chapter of Westminster, Id. Hardly a year passes but we have some squabble between the King or his Justices and the civic authorities, with a temporary suspension of the civic jurisdiction, to be ended by payment of a fine; *Liber de Ant. passim.*

The King's motives were obviously open to suspicion. Men called to mind the money that Louis had obtained for his enterprise from his clergy through the kind intervention of the Pope. Surmise became certainty when, on the 11th April, Innocent issued a Bull, involved in rather more than the usual amount of Vatican circumlocution, in which, after referring to his grants in favour of King Louis, he proceeded, on the strength of something represented as amounting to a consent on the part of the English Bishops, to give Henry a tenth of all the ecclesiastical revenues of his dominions for three years. The Pope, however, for the moment, had the conscience to provide that the collection should not begin till the day of the King's 'passage' had been fixed and sworn to.[1] This Bull makes the beginning of a financial epoch. For sixty years to come the Crusade Tenths granted by it, and by subsequent Bulls based on it, will be found important items in the taxation of the kingdom, involving incidentally the crisis of Henry's reign. One good result, however, of the King's new purpose was that he gave authority to sign a more lasting truce with France than he had as yet deigned to give in to.[2]

Papal concession of English Revenues.

But meanwhile the great expedition to Egypt that promised so well had ended in utter and deplorable failure; and King Louis and the relics of his army were prisoners in Saracen hands. In June, 1249, when the French occupied Damietta they had everything in their favour. The Sultan Malek el Saleh was out of health and incapable of acting; his subjects were discouraged; the waters of the Nile at the lowest. A resolute advance might have brought the Crusaders to Cairo, and made them masters of Egypt within the month. But the mediaeval Barons, however capable of conducting a siege, or even of fighting a pitched battle, did not understand "*la grande guerre.*"[3] Time was first lost in waiting for tardy contingents to come in; then the waters began to rise, and Louis, fearful of being entangled in the snare that had proved fatal to John de Brienne in 1221, resolved to wait till the Nile had done rising and fallen again. Thus nearly six months were wasted in demoralizing idleness, giving the enemy time to recover confidence and recruit his forces. At last on the 20th November an advance was begun. But Louis had neglected to provide himself

Failure of Louis' Crusade.

[1] *Fœdera*, I 272; Paris, sup. 101, 102. A few days later the Pope ordered the collection to begin two years before the time to be fixed for the 'passage.' He also gave the King the benefit of all gifts and legacies for relief to Holy Land, compositions for Crusading vows, etc. *Fœdera*, 274. But the Earl of Cornwall had a share of some of these.

[2] *Fœdera*, sup.

[3] Martin.

with pontoons or other appliances for crossing the ditches and canals with which the country was intersected; a month was required to make out the 40 miles from Damietta to the banks of the Tafnis, a branch of the Nile, now known as the Canal of Achmoun, that breaking away from the main stream covered the access to Mansurah, at which place the enemy was established in force. Six weeks were spent in efforts to cope with this new difficulty. By the 8th February, 1250, however, means were found for transporting the army across the Tafnis below Mansurah. The van was led by Robert of Artois, and the Earl of Salisbury with the Templars. A Saracen outpost having been put to flight, Count Robert insisted on pursuing the enemy into their camp, and through it into the actual streets of Mansurah. There he was promptly surrounded and cut off with practically the whole of his force. The rest of the army having crossed and established themselves in the enemy's camp were subjected on the 11th February to a desperate assault which they just managed to repel with heavy loss. Seven weeks more Louis remained at Mansurah, as if waiting for Providence to relieve him of the dysentery and scurvy from which his army was suffering. At last, on the night of the 5th April a retreat was ordered, when retreat was no longer possible. After a few hours of struggling march the Crusaders had to surrender to the clouds of encompassing Moslems. Louis was too ill to sit on his horse. Fortunately for him he had fallen into the hands of Emirs more greedy of money than anxious to secure political advantages. On surrendering Damietta and paying a ransom that emptied his military chest he was allowed to sail off to Acre (8th May).[1] Among those who lost their lives in connexion with the expedition were Louis' brother the Count of Artois, William Longsword II Earl of Salisbury, the old Count of La Marche, mortally wounded in the landing at Damietta, Patrick Earl of Dunbar, Robert de Vere, Henry Hastings, John Count of Dreux, Raoul de Coucy.[2]

Operations round Mansurah.

Retreat.

Louis a prisoner.

Before the news of the final disaster had reached England Henry, understanding that Louis was in straits, had sent a large sum of money by some Genoese ships to Damietta. But he refused to allow a body of English Crusaders, who were all ready and equipped, to go out before him; they must wait to attend upon his movements.[3]

On the 13th December Frederic II of Hohenstaufen, the man of bold ideas and many languages, 'the Wonder of the World,' passed

[1] Martin, *France*, IV 221–236; Paris, sup. 105–170; and the letter of the Patriarch of Jerusalem, Ann. Burton, 285.

[2] Chron. Melrose, 177; Paris, 153, 169, 174.

[3] Paris, sup. 102, 116.

Death of Frederic II.

away at Fiorentino.[1] The Pope after all had failed either to dethrone him, or to raise up a substantial rival against him. Innocent had weakened his own position by his palpable indifference to the enterprise in which all Christendom still felt so deeply interested. The balance at the very last was taking a turn in favour of the Emperor. The French were putting greater pressure than ever on the Pope. Frederic had gained a final victory over the men of Parma, who had repulsed him in 1243; the Bolognese were suing for peace; Avignon and Arles had sworn allegiance to him. Innocent feeling no longer safe at Lyons had put Henry into a difficulty by asking to be allowed to retire to Bordeaux. Finally, Frederic had parried his adversary's deadliest blow by obtaining, in the habit of a Cistercian, absolution and the *viaticum* from the friendly Archbishop of Palermo.[2] But for the unforgiving Pontiff the death of Frederic brought no end to the struggle. There were still the provisions of Frederic's Will to be frustrated, and his sons Conrad, Henry and Manfred to be hunted down and destroyed.

[1] "Frethericus stupor mundi et immutator mirabilis"; Paris, 190; Raumer, *Hohenstaufen*, IV 153 (ed. 1857).

[2] Paris, 145, 146, 188.

CHAPTER IX

HENRY III (*continued*)

A.D. 1250–1254.

Domestic Affairs—The Foreign Favourites, the Savoyards and Lusignans—Marriage of Alexander III of Scotland to Lady Margaret—Simon of Montfort, his Relations with the King—Unsuccessful Government of Gascony—Hostility of the Gascons—The King takes the Cross—Papal grant of Tenths—Confirmation of Magna Carta—Expedition of the King to Gascony—Marriage of Edward and Eleanor of Castile—Papal Grant of Kingdom of Sicily to Henry's son Edmund—Return to England.

STEADILY and persistently Henry III went on his way, heaping up wrath against the day of judgment, his foreign favourites doing their best to make bad blood between him and his subjects. One of the worst behaved was Archbishop Boniface, who looked on England simply as a source of revenue. Stimulated by Grosseteste's example, he was proposing to hold visitations of Chapters and Religious Houses; but in a very different spirit, and with very different aims. Not content with the right of visitation within the limits of his own proper See of Canterbury, he was claiming to visit the Provincial Sees under the immediate control of their suffragans. Thirst for procurations and other perquisites was the motive attributed to him. His conduct justified the imputation. Taking up his quarters, without leave, in the London Palace of the Bishop of Chichester (Chancery Lane), that happened to be unoccupied, he began by requiring supplies for his household to be provided on Royal terms.[1] His next call was on the Bishop of London, Fulk Basset, who freely entertained him and an extravagant retinue in the most liberal manner. The next visit was to St. Paul's, where the Chapter refused to admit him: the Bishop of London, not the Archbishop, they said, was their visitor. Dean and Canons were promptly excommunicated. Next day Boniface took St. Bartholomew's in hand. There an outrageous scene ensued. The Canons received Boniface

The King and his Foreign Favourites.

Archbishop Boniface.

Claims Right of Visitation.

at St. Paul's,

at St. Bartholomew's.

[1] 12 May, 1250. "Fecit . . . comparare cibaria sua ad forum regis . . . injuriis mercatoribus illatis"; Paris.

in procession with all due ceremony, as Archbishop, but declined to be visited by him; whereupon Boniface, losing all self-control, assaulted the venerable Sub-prior, the man at the head of the procession, the Prior being absent, striking him in the face, tearing his jewelled processional cope from his shoulders, and finally hurling him against the woodwork of the stalls.[1] The Londoners were roused to such a state of indignation that the Primate had to retire to Lambeth. But the complaints of the Canons found no hearing with either King or Queen. The Canons, of course, had been excommunicated, like their brethren at St. Paul's, Bishop Basset also being involved in the sentence for alleged lukewarmness in the cause of the Archbishop. The usual appeals to the Pope ensued.[2] Nor were the Suffragans slow to rise in self-defence. They promptly began to concert measures. Finally they held a meeting at Dunstable (24th February, 1251) and agreed to a levy of twopence on the mark on all benefices, to defray the expenses of a mission to Lyons.[3] But the Savoyard influence was still all powerful at the Papal court. Innocent decided in favour of the Metropolitan's right of visitation throughout the Province, as well as in his Diocese, but not as to parish churches, and under a strict limitation as to the amount of procurations to be levied.[4]

The Sub-prior assaulted and thrown down.

Fruitless appeals.

Pending the settlement of this affair the desired bishopric was found for Aylmer of Lusignan. In a previous effort Henry had met with a rebuff. Early in 1249 Durham became vacant through the retirement of Nicholas of Farnham.[5] Henry made immediate application on behalf of his brother; but the Northern Chapter was not to be coerced, and a North-country man, Walter Kirkham, was elected.[6] About the 1st September, 1250, William Raleigh, the Bishop of Winchester, died. Henry at once sent down John Mansel to canvass the Chapter, himself following a fortnight later. He entered the Chapter House, and taking the Prior's seat, treated the monks to a sermon on the text 'Justice' (as the word runs in the Vulgate), 'Justice and peace have kissed each other';[7] the King of course representing Justice and the convent Peace. The monks were most unwilling to accept a man so utterly unfit as young

A Boy-Bishop for Winchester.

[1] "Ad unam spondam quæ duos de stallis dividebat."

[2] Paris, *C.M.* V 119–125; Ann. Tewkesb. 141; Winton, 92; *Liber de Ant.* 17.

[3] See Paris, sup. 178, 186–189, 206, 225; Ann. Dunst. 181.

[4] June and July, 1252. See the Bulls, Ann Burton, 302, 303; also Paris, sup. 302. Both writers agree that the unsuccessful appeal cost the bishops £4,000.

[5] Ann. Tewkesb. *Reg. Sacr.*

[6] Paris, 53, 55. Kirkham was consecrated 9 August, 1249; *Reg. Sacr.*

[7] Psalm lxxxv. 10.

Aylmer.[1] But they had too vivid a recollection of what they had suffered on the last occasion to be prepared for a fresh struggle with the King, and so they submitted. On the 4th November Aylmer was elected and duly confirmed by Innocent on the 14th January, 1251.[2] His consecration of course had to stand over, and in fact did stand over for ten years.

The strong position to which the canonical election of bishops had attained under John and his son is a point worthy of notice. Before John's time canonical election, introduced into England with the Conquest, had been little more than a name. Now it had acquired something of a reality, being guaranteed by Magna Carta. But it is, further, curious to observe that at this very time the electoral action of the Chapters in these matters is spoken of as "postulare N. Episcopum," 'to ask for N. as their Bishop,' as if to suggest that the victory over the Crown was won, not for the benefit of the capitular clergy, but of the Pope.

Canonical Elections.

About Christmas, 1250, Guy of Lusignan came back from the Crusade without a penny in his pocket. For his journey to London he had to borrow horses from the Abbot of Feversham. In London his needs were soon supplied; but he forgot to return the Abbot's horses. About the same time his brother Geoffrey was given the wardship of the barony of Hastings, fallen in by the death of the late Baron Henry, who succumbed on the Crusade.[3]

With the Tenths granted by the Pope in prospect Henry had no need to trouble the national Council for money. Two 'Parliaments' are said to have been held, one in February and one in November,[4] 1251.

But the only business recorded was the impeachment of a Justice, Henry de Bathe, for corruption, apparently not without cause. The King threatened the offender with loss of life. But he obtained a respite by making a friend of the Earl of Cornwall, whose help could always be had—for a consideration. After a decent interval a fine of 2,000 marks to the King settled the whole affair.[5]

Corruption at Court.

If Henry's Justices were not uncorrupt they could plead their master's example. Everything at his court was venal. John de Gray had been acting for years as Justiciar of the Palatinate of Chester, paying a rent to the King of 500 marks a year. As far as

[1] "Ætate, scientia et ordine insufficientem"; Paris. "Juvenis fere xxiii. annorum et adhuc existens acolytus"; Waverley, 344. Aylmer did not obtain consecration till 1260.

[2] Ann. Winton and Wykes.

[3] Paris, V 204, 205.

[4] Id. 223; Ann. Tewkesb. 143, 146.

[5] Paris, sup. and 240; Rot. Fin. II 345. The whole of the fine, however, had not been paid at de Bathe's death in 1760.

we can judge he had done his duty faithfully. But Allan de La Zouche having offered 1,500 marks a year at once received the post.[1] Again Philip Lovel the Treasurer was accused of taking bribes; but he too was soon restored, for a fine, through the mediation of the all-influential John Mansel.[2]

The year closed with an angry tournament, and a sumptuous wedding. The passage of arms was held at Rochester (8th December), as a national encounter between French and English. The foreigners were well beaten, as if to make up for the defeat of the English in a tournament held at Brackley in 1249, when the natives were worsted through the desertion of the Earl of Gloucester.[3] The weakness of the Government in permitting such encounters is amazing.

Tournaments.

The wedding was a union of a pair of Royal Infants, of the respective ages of ten and eleven.[4] Alexander II of Scotland had died on the 8th July, 1249; on the 13th of the month his son by Marie de Coucy, Alexander III, was installed at Scone.[5] In 1243 he had been contracted to Margaret, Henry's eldest daughter, as already mentioned. The King had always held a friendly and considerate policy towards Scotland, and Alexander's friends pressed for the celebration of the marriage, in order to give the young King's throne the support of a definite English alliance.[6] Accordingly at Christmas Henry, Eleanor, and Margaret, Alexander and his mother all came to York, as the guests of 'the Northern potentate' Archbishop Gray; the clergy and chivalry of the two countries followed them in glittering array. Hot were the brawls among the retainers of the magnates in the struggle for quarters; but the Scots had the prudence to lodge all in one street. Each knight had provided himself with two changes of silken robes for the two chief ceremonies.[7] On Christmas Day Alexander was knighted by the King, together with twenty other youths of rank; on the morrow the marriage ceremony was performed by Archbishop Gray, and Alexander did homage. Henry suggested that the homage should be rendered in terms for the Scottish Crown; but the Scots demurred, and the point was not pressed.[8] The scale of the entertainment at the wedding

A Royal Wedding.

Alexander III King of Scots.

Margaret of England.

[1] Paris; Foss.
[2] Paris, 261, 270.
[3] Id. 83, 265.
[4] Alexander was born 4 September 1241; Margaret, 3 October 1240.
[5] Chron. Melrose; J. Fordun; Paris, V 88.
[6] Fordun, 295; Melrose, 179.
[7] "Vestiti serico, et ut vulgariter loquamur cointises"; (*elegancies*) Paris, 268.
[8] See Paris, sup. 266–268; Chron. Melrose; Ann. Winton, Tewkesb. and Burton. Paris, who had evidently been reading up the old chronicles, ventures to assert that the homage would be due among other things for Lothian,

banquet may be judged of by the fact that sixty fat oxen provided by the Archbishop only sufficed for one course. The festivities over, the little bride was sent to her new home under the charge of Robert de Ros of Wark, John Balliol of Bernard Castle, and Matilda, widow of the Baron William Cantilupe, recently deceased.[1]

The next events that we are called upon to notice will show the first serious breach between the King and Simon of Montfort. Since the Earl's restoration to favour in 1240 his relations with Henry had been thoroughly cordial. His Crusading ardour would be altogether grateful to the King. In the autumn of 1247 he had been entrusted with a mission to France, doubtless to treat for a prolongation of the truce.[2] At Christmas in that year he assumed the Cross for the second time.[3] He attended the February Council of 1248; and was appointed one of the committee to draw up the petition of grievances; but he managed to discharge that duty without embroiling himself with the King. On the contrary, in the course of the summer he was appointed to a new and distinguished post, being named King's Lieutenant of Gascony for six years, with powers, of course, exceeding those of an ordinary Seneschal.[4] The royal authority in Gascony was at a low ebb, if indeed it could be said to exist at all; the royal demesnes had been encroached on;[5] brigandage was rife; and the country in general in a very disorderly state, due in part to the want of any settled policy on the part of the English Government, and the perpetual changes of Seneschal through the King's caprice. Moreover, Theobald of Champagne, the King of Navarre, was raising a dispute as to the frontier. Simon was a man of ability and one to be trusted. But it may be questioned whether he was the man to send among the Gascon magnates, who must have entertained feelings of the strongest sympathy for their neighbours of Languedoc, trampled under foot by the de Montforts. The first year

Simon of Montfort.

In favour with the King.

Appointed King's Lieutenant of Gascony.

State of Gascony.

as held of England. William the Lion had done homage for Scotland, as a whole; that homage had been remitted by Richard; but at no time since the Conquest had any reference to Lothian as held of England been made in any of the treaties between the two countries. Lothian was ceded after the Battle of Carham, A.D. 1018.

[1] Paris, sup. 269, 272, 505. It was arranged that the marriage should not be consummated for four years. Id. *Hist. Angl.* III 118; I Oxmeades. Margaret received a dowry of 5000 marks; *Fœdera* I 279. A tallage was levied for the wedding; Ann. Tewkesb. 145.

[2] Paris, *C.M.* IV 645.

[3] Paris, sup. V 1.

[4] Paris, sup. 290; Ann. Dunst. 134; *Fœdera*, 282. Simon is designated as "Regis vice fungens"; and "Regis locum tenens."

[5] See the letter of the men of Château Duzar; *R. Letters*, II 58.

of Simon's rule, however, seemed very successful. Coming home at Christmas he was able to report that the truce with France had been prolonged; that Theobald had been induced to consent to an arbitration; that one William Bertram of Aigremont,[1] described as a notorious brigand (*publicus prædo*), had been arrested, and Gaston of Béarn and his mother Martha de Bigorre driven to sue for peace.[2] What the *casus belli* against these last two was does not appear, but we have it from Simon himself that their lands had been confiscated;[3] while it was asserted by the Gascons that Bertram had been arrested treacherously, and imprisoned without trial.[4] In fact it appears that Simon's ideas of administrative and social Reform were more than the country was ripe for, or could stand; and that his rule was bringing not peace, but the sword. Writing from Paris, as he was going out again, he has to inform the King that Gaston's under-tenants, whose lands have been confiscated as well as those of their lord, were up in arms to recover them; that 'great men' (*les graunz genz*) were all against him, on account of his efforts to enforce the King's dues (*voz dreitures*) on the one hand, and the rights of the peasantry (*la poure genz*) on the other hand. He presses for further instructions, as he anticipates having to deal with an extensive system of partizan warfare, waged by petty bands of twenty or thirty men raiding the country by night.[5] What immediate answer Simon may have received does not appear; but, carrying on the struggle with such resources as he had at his command, he gained the credit of having subjugated Gascony (*edomita est Wasconia*), an odd achievement to boast of in a province that, however disorderly, was not previously supposed to be otherwise than loyal.[6] De Montfort certainly got hold of Fronsac,[7] the seat of a disorderly viscount, and other places, and captured Gaston, who was sent with others to England, to be dealt with according to the King's pleasure. In November at last Henry was able to inform the Earl that as Gascony with the returns from Ireland had been assigned to young Edward, he might draw on the Irish revenues as from Michaelmas, with some minor issues from the English Treasury.[8] A few days later he told Simon that he had

Strong Government.

Gascony 'Subdued.'

[1] Aveyron, *Commune of Villefranche.*
[2] *Fœdera*, I 269; Paris, V 48, 49.
[3] *R. Letters*, II 52.
[4] Id. 74.
[5] 3 April, 1249; *R. Letters*, II 52. The letter is unsigned, but could not have been written by any one but Simon. It is interesting as the only letter of his known to exist; Pauli.
[6] Paris, V 103.
[7] Dordogne, on the river Dordogne, near Libourne.
[8] *R. Letters*, II 55, 56, 280, 281; *Fœdera*, I 271.

pardoned Gaston, a kind act said to be due to the Queen's intercession.[1] All through the year 1250 Simon remained at his post; he cleared out a nest of brigands harboured at Aigremont, razed Fronsac, and settled a serious feud at Bordeaux, where a whole faction had been expelled the city by his orders.[2] Party differences in other places, such as Bazas and Bayonne, were dealt with in the same summary fashion. But the resistance to his proceedings became more and more general. At the Epiphany, 1251, he landed in England in rather sorry plight, having in fact been driven out of Gascony. He told the King that he had exhausted his means, and that without effectual support in men and money he could not put down the rebels. Henry signed an agreement for a settlement of accounts with Simon, authorizing him to raise 2,000 marks.[3] But he was obliged to mention that counter-complaints against the Earl were pouring in. Simon assured him that the Gascons were but a pack of traitors not to be believed. Encouraged by the King's general approval of his work, Simon went back and expended his marks in hiring a band of Brabanters, foreign mercenaries, to run riot in Gascony,[4] an absolutely indefensible proceeding, which, while for a time turning the tide of war in his favour, united the whole population against him. One noticeable deed, however, was the vigorous repulse of the wild bands of the *Pastoureux* which attempted to invade the Province.[5]

Gascony in Arms.

Again we hear of a short visit to England, apparently towards Christmas, 1251.[6] The Government was now getting seriously alarmed as to the state of affairs in Gascony, where the importance of the English market to the Gascon wine-growers, and the dread of falling under French domination, were the only ties that bound the Province to England. Simon was mortified to find that Henry, while naming a committee to settle what money was due to him,[7] insisted on sending out agents to report confidentially on the state of things in Gascony; and was also inviting the Gascons to send representatives to London, to lay before him any complaints that they might have to prefer.[8] The King's commissioners, Roscelin de Fos (Haute Garonne), Master of the Temple, and Henry Wingham, a man connected with the Exchequer, who had been Seneschal of Gascony, found all the Province in arms, and in a state of the greatest

Gascony Falling away.

[1] 28 Dec. *R. Letters*, sup.; Paris, 104.
[2] *R. Letters*, 61, 63; Paris, 209; *Fœd.* 275.
[3] 16 March 1251; *R. Letters*, 384–387 from the Close Roll.
[4] Paris, 208–211.
[5] Id. 222, 252, 256. For the *Pastoureux*, see Martin.
[6] Paris, 263.
[7] 4 Jany. 1252; *R. Letters*, II 68.
[8] Id. 70; Paris, V 276.

ferment over the affairs of La Réole, where the attempt to levy a tallage had led to civil war. The men responsible for the imposition of the tax had had to take refuge in the castle, and were being besieged by the rest of the townspeople; Gaston and the chief Gascon lords were joining in the siege, while Simon's lieutenant, William Pigorel, was harassing the town from without. Gaston and his friends protested that they meant no slight to the King's authority (*dominium*)—nothing of the sort; they had taken up arms purely in self-defence. The men invited to come to London declined to go. for fear of being dispossessed in their absence. To satisfy them, a general truce had to be proclaimed, and safe conducts in special form made out. The Gascons also required that Simon should be confronted with them; and that agreements that he had extorted from some of them, binding them not to enter appeals against him, should be cancelled.[1]

About Whitsuntide (19th May) [2] the Earl and his accusers met at Westminster. The charges brought against him in the documents that have come down to us include the seizure of men's persons and property without process of law; the imposition of illegal taxes; the exaction of hostages as security for the good behaviour of persons and places, John's old practice, and a most obnoxious one.[3] But apart from specific grievances, however loyal and well-meaning Simon may have been, his administration stood clearly condemned by its results. He had set the whole Province in flames; and no proconsul could be justified in doing that. As he had proved a failure, the King, with his usual meanness, at once turned against him. But Simon had taken care to secure the presence of the Earls of Cornwall, Gloucester,[4] Hereford, and others on whose support he could rely. Frenchman as he was, they regarded him as English, at any rate in policy, in contradistinction to the Savoyards and Poitevins by whom the King was surrounded. Thus the question was fought out on party lines, on the issue whether Simon or his opponents had the better claim to be trusted and believed. Earl Richard rather enjoyed the sight of his brother's Gascon difficulties;

The Gascons in London.

Simon and his accusers.

Henry vacillating.

[1] See the letter from the men of La Réole, the report of the commissioners and other documents, *R. Letters*, II 72–83, and 388.

[2] So Paris, sup. 288; Ann. Dunstable, 184; Paris must have been in close communication with persons present if not actually present himself; Adam Marsh the Oxford Franciscan, a friend of de Montfort's, writing to Grosseteste from the report of Walter Cantilupe Bishop of Worcester gives Ascension Day, 9 May, as the day of meeting; Monumenta Franciscana, 123 (Rolls Series, Brewer).

[3] See *R. Letters*, above and compare Paris, V 287, 289, 295.

[4] Of him Paris remarks "In hoc casu comiti Simoni favorabilis."

he had never forgiven the Province being taken from him. De Montfort, when he was allowed to speak, had no difficulty in showing that his honesty and loyalty would compare very favourably with those of the Gascons, the Earl of Cornwall backing him up strongly on this point,[1] and that his unpopularity was due to efforts to introduce a more orderly state of things in the Province.[2] Waxing bolder he hurled defiance at his enemies' heads, justifying his acts. 'Why should he not have done as he did? (*Quare hoc non facerem*). They were traitors one and all, and had met with nothing but their deserts.'[3]

A challenge. In conclusion he offered to meet his adversaries in judicial combat, with as many men aside as they pleased.[4]

The Council began to show so strong a feeling in favour of Simon that the King at last said that he was satisfied that Simon's version of the facts was correct; and the Earl's friends thought the matter settled in his favour. But next day Henry had veered round again; and he behaved so unfairly towards Simon that a most unseemly altercation ensued.[5] The Earl till then had shown great self-command, but he was beginning to lose patience. After recapitulating his exertions in the King's service he ended, 'My Lord, a King's word should stand fast. Keep your word, and either allow me to retain the government for the full six years, or else repay me the money that I have expended in your service.'[6] The King growled out that he was not bound to keep faith with an insolent traitor.[7] The insult was more than de Montfort could bear. Bounding from his seat he swore that the King lied in his throat, and that but for his Royal dignity he would have been made to rue the word. Henry, beside himself with rage, would have incarcerated Simon on the spot if the barons had not interposed. Simon, seeing his advantage, continued in a somewhat lower key. 'Do you call yourself a Christian? Why, you were never known to confess.' 'I do confess,' retorted the Monarch indignantly. 'Well then, you never repent, and confession without repentance is worthless.' 'I certainly repent that I ever let you into my land to wax fat and wanton.'[8]

The Lie Direct.

[1] Paris, 296.

[2] Adam Marsh is very emphatic on this point. But so strong was his spirit of partizanship for Simon that he wondered (*stupentibus omnibus*) that the King had ever allowed the Gascons to say a word. Monumenta Franciscana, 123.

[3] Paris.

[4] A. Marsh, sup. 125.

[5] "Post noctis unius intervallum reditur ruptis loris aequitatis et justiciae contra comitem Leycestriae"; Marsh, sup. 127.

[6] In January Henry had bound himself to repay this money. *R. Letters*, II 68. So again in March; Id. 384–6.

[7] "traditori palam malignanti," etc.

[8] The details of this scene are given by Paris, 290. Adam Marsh merely says

For two or three days matters remained at a deadlock. Henry hesitated to cancel his agreement with the Earl, while the Gascons positively refused to have him back as their ruler. To satisfy them, they were informed of the assignment of Gascony to young Edward, and told that either he or the King would appear in Gascony by the month of February (1253) to settle all things; the existing truce would be prolonged to that time, and a commissioner sent to arrange for the surrender of Bourg, Fronsac, Aigremont or other castles improperly seized by Simon.[1] The Earl himself, however, was given tacit permission to return to Gascony,[2] where his presence could only lead to bloodshed. In taking leave of him Henry was reported to have said, 'Thou that art so fond of war, go back to Gascony; thou wilt find plenty of it there, and wilt doubtless earn the same reward that thy father did before thee.'[3] 'Willingly I go, my Lord,' answered Simon, 'trusting shortly to make thine enemies thy footstool.' Without the loss of a single day de Montfort started (Thursday, 16th June), taking his wife and his eldest son with him; his younger child he left under the charge of Bishop Grosseteste and Adam Marsh. The Gascons remained till they had rendered homage to Edward.[4]

A Compromise.

By Innocent's directions the collection of the Clerical Tenths, so graciously conceded by him to theKing in 1250, might begin two years before Henry's departure for Holy Land, but not till that time had been fixed and sworn to.[5] "Henry had no more intention of going on Crusade than his father or his grandfather had." Nor did the Pope really contemplate his going; but the King wanted the money, and the Pope did everything in his power to induce the belief that the King was going. Bull followed Bull in quick succession, all calling for help and blessing, spiritual or material, on the great coming pilgrimage.[6]

The King and the Crusade.

To fix the time of his going Henry held a grand Crusade meeting at Westminster, on the 14th April, 1252; again took the Cross; and

that a terrible altercation took place. "Reditur ad minarum sævitias, ad protervias exprobrationum, etc. . . . tumultuante regis iracundia . . . confunditur fas nefasque, et dehinc continue per totos dies aliquot et noctes in prolixum tenditur intolerabilis agoniæ vexatio," p. 127.

[1] For the proclamation embodying these terms, see *Fœd.* 282, June 13; also *R. Letters*, II 86–92, and 389–393. Simon was to get back some expenses at any rate, and ransoms due. Gascony with Oleron, the last relic of Poitou, was conferred on Edward in fee simple by charter; 8 June (1252); *R. Letters*, II 389 from the Patent Roll 36 Henry.

[2] "Obscura data licentia"; Adam Marsh, sup.

[3] "Præmia inde condigna reportando."

[4] Paris, V 313, 314; Marsh, sup. 129.

[5] *Fœdera*, I 274.

[6] See the stream of Papal letters, *Fœdera*, I 278–288.

He swears to go. pledged himself, by his own personal oath on the Gospels, to make a start by the 24th June three years from thence.[1] Innocent in his original grant had been careful to state that he would not have made it without the consent of the English Bishops. But the words of consent as quoted by him were really mere general expressions of a wish that some liberal grant should be made for the benefit of the King ;[2] and it was now found that without some more definite assent on the part of the English clergy it would be useless to attempt to levy the tax. Both Provinces were summoned to meet in Convocation about October. The Northern clergy declined to give any answer until they had been allowed to confer with their brethren in the South, which they affirmed to be the proper mode of proceeding.[3] The objection was met by summoning clergy and laity to meet in Grand Council at Westminster in the second week of October.[4] A lively account of the proceedings has been handed down to us. When the King's agents explained the business in hand, producing the Papal Bull, and calling attention to the fact that the Bishops had already given their consent, so that no further application to them was really needed, Grosseteste broke out, 'By our Lady' (*pro nostra domina*), 'what is this? Ye are reasoning from unconceded premisses. Do ye suppose that we ever consented to this accursed tax?[5] Far be it from us to bow the knee to Baal.' Young Aylmer the Elect of Winchester and the Bishop of Salisbury[6] pleaded for consent ; citing the example of France. 'So much the worse,' retorted Grosseteste. 'Two instances would make a custom.'[7] Grosseteste's firmness carried the meeting. When the Bishops' refusal was reported to Henry he fell into such a paroxysm of fury that his terrified attendants fled from his presence. Recovering himself, he suggested that perhaps the clergy might be pleased of their own free will, and without reference to any Papal mandate, to grant the King an Aid for the cause of Christ in Palestine.[8] The Prelates, in a long and rather querulous

Grand Council.

The Papal Tenths refused.

[1] *Fœdera*, 282 ; Paris, sup. 281, 282. As a rule kings never swore in person, some other man swore for the King on the King's soul.

[2] "Idem praelati (sc. Angliae) nobis supplicarunt quod tibi curaremus habunde . . . ad tantum negotium de ipsius regni angliae proventibus exclesiasticis providere" ; *Fœdera*, 272. One is inclined to wonder whether "supplicarunt" really represented the Bishops' attitude in the matter.

[3] *R. Letters*, II 94 ; 12 September.

[4] Paris, sup. 324 ; Ann. Burton. Henry signs at Westminster from the 9th October. He was at Windsor on the 5th October ; Fine Rolls. Archbishop Boniface was abroad pressing for his right of visitation.

[5] "Maledictam contributionem."

[6] William of York, consecrated in 1247.

[7] "Binus actus inducit consuetudinem."

[8] Paris, V 324–326.

remonstrance, after pointing out that little good had come of previous grants, ended by saying that they would do their best to help the King on three conditions: first, that he should reissue the Great Charters; secondly, that he would bind himself not to make a precedent of the proposed grant; and thirdly, that the money should be collected by agents of their own. Henry, with many oaths, swore, as his father, in like case, had sworn, that he would never submit to such slavery.[1] He then fell back on personal efforts with individual Bishops, without better success. The Bishop of Ely, Hugh Northwold, after protesting that he could not separate his action from that of his brethren, ventured to beg the King to consider what had befallen the King of France, who had gone on Crusade with Tenths extorted by Papal grant from his clergy. Henry in a rage ordered his men to 'turn the villein out.'[2] The pet half-brother Aylmer of Winchester had done his best for the King, but he had ultimately acquiesced in the decision of the majority. Being about to go he came to take leave. 'My Lord,' he said, 'I commend you to the living God.' 'And I commend thee,' said the sulky King, 'to the living Devil.[3] Wherefore didst thou desert me? God and His Saints forgive the day when I made thee Bishop.'[4] An attempt to get money from the lay magnates who had been summoned to the Council naturally failed; the assembly was dissolved without result. Henry in his distress began to think of once more applying for a Papal coadjutor to help him out of his troubles.[5]

The King in a Rage.

As a matter of fact a Papal agent, the Notary Albert, was on his way to England, and shortly made his appearance there; but not on an errand directly concerning Henry.[6] Innocent IV was resolute in his purpose of crushing the Hohenstaufen both in Italy and Germany. His efforts to raise up a rival in the latter country having failed, he was directing his efforts towards finding a man to contest the kingdom of Naples. Albert was charged to make a formal offer of the vacant throne to the Earl of Cornwall. In England the public were not altogether taken by surprise, as it had been whispered before that some glittering offer of the kind had been dangled before the Earl's eyes, namely, on the occasion of a visit paid by him to the Papal Court at Lyons in 1250, when the marked attentions paid to him by the Pope excited comment.[7] King Con-

A Papal Envoy.

The Crown of Sicily, offered to the Earl of Cornwall,

[1] So Paris remarks; Id. 326–328.
[2] "Rusticum ejicite; Id. 330–332.
[3] "Et ego te Diabolo vivo."
[4] Id. 332.
[5] Id. 335, 336, 338.
[6] Paris, 346.
[7] Id. 110–112, 117, 118. See also the Pope's letter to Henry accrediting

rad IV at any rate was aware of what was passing, and wrote in terms of strong remonstrance to Richard.[1] We may fairly give the Earl credit for some compunction at the thought of invading the plain rights of the son of his old friend and brother-in-law Frederic II.[2] At all events he was cautious and money-loving. He demanded from the Pope a greater amount of material guarantee than Innocent was prepared to give; and the negotiations, so far as the Earl was concerned, came to nothing.[3] But Master Albert had discovered that there was another personage more open to temptation, as the sequel will show.

and declined.

Meanwhile the state of things in Gascony was making the promised Royal visit to Gascony imperatively necessary. Simon going out through France was again supplied by his friends with mercenaries, 'blood-thirsty horse-leeches,'[4] as the friendly chronicler was bound to admit. With these he literally fought his way into his Province after a pitched battle with the Gascons, who met him on the frontier; having taken up his position at Montauban he was besieged there, and rescued with difficulty.[5]

Simon again in Gascony.

Realizing at last that his presence was simply harmful he threw up his appointment, and retired to France (1253, spring). There the Barons would gladly have kept him to assist in the work of government, the country being without a head.[6] Louis was still in Palestine; while his venerable mother, the experienced Regent, Blanche of Castile, had died in December (1252).[7] But the Earl could not possibly break with England, where all his ties and interests now were. But the mischief done by him in Gascony was not cured by his departure. The Gascons were inclining towards a Spanish alliance, and encouraging Alphonso X of Castile to lay claim to the country, on the strength of his descent from Henry II. La Réole, Bazas and Saint Emilion were in rebel hands. The total loss of Gascony seemed imminent.[8]

Final retirement.

The Gascons and Castile.

Albert; from which it appears that the matter had been under consideration for some time; *Fœdera*, I 284; August 1252.

[1] Paris, *Hist. Angl.* III 127.

[2] Paris, 126.

[3] By his will Frederic left the Empire and Kingdom of Naples to Conrad; the Kingdoms of Arles and Jerusalem to Henry the son of Isabella; the Duchy of Austria to his grandson Frederic, son of the late King Henry, the son of Constance; while Manfred, a natural son, was appointed Seneschal or Viceroy of Italy; Pertz, Legg. II 357; summaries are given by Paris, *C.M.* V 216; and Ann. Burton, 289.

[4] "Sanguisugis avidiores."

[5] Paris, V 313–316, 334.

[6] Id. 366, 370–372.

[7] Id. 354.

[8] Id. 365–370, 378. Alphonso had succeeded his father Ferdinand III on the 30 May 1252; Mariana, *Hist. Esp.* XIII cap. 8 Pauli.

For the expedition a subsidy would be required. Henry had to resign himself to the disagreeable necessity of facing his lieges in 'Parliament.' On the 15th April, 1253, a very full Grand Council met at Westminster. The laity were prepared to pay a scutage of three marks (£2) on the knight's fee. The difficulty was as to the Tenths from the clergy; and the *crux* in the negotiations with them was the question of canonical election. This privilege had been granted by John, confirmed by Magna Carta, and reconfirmed with Magna Carta again and again. The clergy wanted a more definite guarantee on the subject. But the privilege in question was one that no Government could really concede. The King might as well abdicate at once as allow the appointment of the Episcopate to pass unrestrictedly into the hands of the clergy. When reminded of his former oaths, and pressed for a pledge never again to interfere with the choice of a bishop, he became bitterly sarcastic to the men, who, like Boniface and Aylmer, owed everything to him, asking if they were prepared to inaugurate a better state of things by resigning their own Sees. Finally the clergy were induced to be satisfied with a solemn confirmation of the two Great Charters 'faithfully and without equivocation,'[1] any violation of either to involve, *ipso facto*, the penalties of excommunication. On these terms they granted a tenth of their revenues for three years 'when the King should undertake his journey to Jerusalem.'[2]

Grand Councils.

Canonical Elections.

The Clerical Tenths conceded.

All that ceremonial could do was done to impress the King with the responsibility of his oath. On the 13th May the two Charters, so often already confirmed, so constantly violated, were once more recited in Westminster Hall. Fourteen Prelates in full pontificals, candle in hand, denounced the awful ban of the Major Excommunication—engrossed and attested to prevent mistakes—against all who should knowingly violate the Charters in thought, word or deed. As the reading of the terrible denunciation comes to an end the bell tolls as at a funeral, and the clergy dash their reeking tapers on the floor. 'So perish in Hell the soul of the transgressor!' "*Fiat! Fiat!*" (*So be it*) responds the audience. Henry made no difficulties over his oath; standing serenely[3] with his hand on his breast. 'On his faith as a Christian, as a knight, as a crowned anointed King he would observe all that was required of him, so help him God.'[4] Henry however managed to excite suspicion by declining

The Charters confirmed.

The King's Oath.

[1] "Bona fide et sine aliqua cavillatione."
[2] "Cum iter Jerosolimitarum arriperet," Paris.
[3] "Sereno vultu . . . et alacri."
[4] "Hac omnia servabo," Paris, 375–377; *Fœdera*, I 289, 290. The different

himself to take a taper in hand. His quasi-sacerdotal position by virtue of his consecration entitled him to this distinction. So material was the religion of the times; so slight its hold on the moral sense of men. Few put any trust in the King's pledge; and how could they, when they knew that a moderate percentage on the money granted, if sent to Rome, would buy a dispensation?

The Tenths had been granted only 'when the King should start for Jerusalem' as we have seen; but the clergy began at once to be pressed to pay.[1]

Preparations for the expedition were now pushed on apace. On the 22nd June Queen Eleanor and the Earl of Cornwall were appointed Joint Regents, with control of the Great Seal. Strict orders were given for enforcing the Ordinances of Watch and Ward during the King's absence.[2] Considerable delay, however, ensued, due probably to the difficulty of inducing the barons to serve abroad, whereby the King was kept waiting at or near Portsmouth, from June to August.'[3] On the 6th of the latter month Henry finally embarked at Portsmouth. One is glad to hear of a man of whom so little that is creditable is recorded, that the leave-taking between him and his first born Edward was tenderly affectionate, the lad refusing to quit the beach so long as a sail of the royal fleet remained in sight. On the 20th August the King signs at Bordeaux.[4]

Expedition to Gascony.

The French, apprehensive of some defection among the fickle barons of Poitou, had sent down troops to garrison the towns and guard the frontier; but the Lusignan brothers managed to join the King with some reinforcements. One by one La Réole and other rebel strongholds were reduced, Henry granting easy terms to those who surrendered; but it is clear that great destruction of property took place, and that even the vineyards were not spared. The year's vintage at any rate would be lost. The havoc was such that Henry's men were reduced to straits for provisions. Wheat rose to twenty shillings the quarter;[5] a pound loaf cost two pence or three pence;

MSS. vary between "III die" and "III Idus Maii"; but the date is fixed for the 13 May by the Patent Roll and the *Liber de Ant.* p. 18 which give "die Martis tercio-decimo."

[1] Paris, 377, 378. For immediate levy of contributions from the clergy, see Ann. Wav. 345; Dunstable, p. 186, paid £10; Worcester, £40, p. 442. Considerable sums were also paid to the Pope for having fixed the rate of procurations to be demanded by archbishops, bishops and archdeacons respectively on visitations. Id. and Osney.

[2] *Fœdera*, I 290–292; *Select Charters*, 365.

[3] Fine Rolls; see Ann. Dunst. 186 and Tewkesbury 153, comparing the attitude of the Barons; Id. 155.

[4] Paris, V 383, 388; *Liber de Ant.* 19; and the memoranda on both the Close Patent Rolls, 37 Henry III, Pauli.

[5] Paris, 398. In England wheat was thought dear at 3*s.* or 5*s.*; Ann. Dunst. 188, 189. Paris talks of wheat at 30 pence.

so that the man-at-arms with two followers (*miles cum suo armigero et garcione*) was much put to it to keep his party and their horses alive on his two shillings a day.[1] Gaston had to fly to Spain; but his hopes of support from that quarter were cut off by a clever move on the part of the King, perhaps the happiest move of all his dreary reign. William Button Bishop of Bath and trusty John Mansel were instructed to negotiate an alliance with Castile, on the footing of the marriage of Alphonso's sister Eleanor (Alienora) to young Edward.[2] Their overtures were received so favourably that Henry resolved to send for the Queen and the Prince as soon as Eleanor would be in a fit state to travel.[3]

Alliance with Castile.

It was probably as much to help in the arrangements for the wedding, as to co-operate in reducing the Gascons, that Henry now held out the olive branch to the Earl of Leicester. On the 4th October he wrote inviting him to come with such forces as he could enlist.[4] Once more Simon placed his sword at the King's disposal. It was enough for him that his friend and ghostly father of Lincoln had already advised him to think rather of the King's kind deeds than of his hard words.[5] With the help of the Earl, who, by that time, must have profited by his experiences, the Province was reduced to tolerable order, while Simon was liberally compensated for the unexpired term of his office.[6]

The King and de Montfort

Friends again.

Robert Grosseteste did not live to witness the reconciliation that he had urged. On the 8th October (1253) he was released from earthly cares.[7] In spite of failing health his life was all vigour to the last. To the very end we find him searching out the dark corners of monastic life; enforcing celibacy among the parochial clergy; requiring men in the enjoyment of

Death of Robert Grosseteste.

[1] Paris, sup. Henry at this time was paying men-at-arms two shillings a day; *Lettres de Rois*, I 94 (Champollion-Figeac).

[2] 15 May, *Fœdera*, 290; Paris, 396–398.

[3] The Queen was expecting her confinement; on the 25 November she gave birth to a daughter Katharine; Paris, 415.

[4] 4 October, *Lettres de Rois*, I 90; Pauli.

[5] Paris, 415, 416.

[6] See Documents Inédits, *Lettres de Rois*, I 94, 95 (Champ. Figeac). On the Liberate Roll 38 H. III 8, 4 (Pauli) we find 7,000 marks ordered to be paid to Simon; 3000 marks were paid on account; Pell Issue Roll, Easter 38 H. III. In 1259 he had an order for the payment of 3,000 marks more, R. Pat. 43 H. III; Blaauw.

[7] "Nocte Sancti Dionisii"; Paris, *C.M.* V 407, and H.A. III 146. With the chroniclers "nox" always means the day before the date given; and the 8th Oct. was held the Bishop's obit at Lincoln. *Lincoln Statutes*, Bradshaw, cited Stevenson, *Grosseteste*, 324.

His Life and Work.

Church preferment to take Holy Orders; insisting on the appointment of vicars with competent stipends in all parishes where the Rectors were non-resident, and generally striving to raise the character of the clergy.[1] With Oxford he maintained a close connexion throughout his life; and it was generally understood that it was through his influence that in 1244, after serious disturbances between the students and the Jews, Henry granted the charter giving the Chancellor exclusive jurisdiction in all actions for debt to which a clerk was a party.[2] On the iniquitous practice of Papal Provisions Grosseteste held strong views.

Papal Provisions.

There is no doubt that throughout his episcopate he refused to institute foreigners except in special cases. To show the extent to which the abuse had been carried he caused inquiry to be made about the year 1252, with the result that the amount of English preferment held by foreigners was reported as reaching the astounding sum of 50,000 marks (£33,333 6*s.* 8*d.*) a year.[3]

Their alleged amount.

That a statement to that effect was laid before Innocent is certain, because we have his answer, in which, without either controverting or accepting the truth of the allegation as to the 50,000 marks a year, he apologizes for the extent to which he had found himself obliged to draw upon the revenues of the English Church, and suggests a compromise for the future, namely, that the Holy See should be allowed to dispose of patronage to the value of 8,000 marks a year in favour of non-resident Italians, all persons 'provided' with benefices in excess of that sum to be required, either to take Holy Orders and reside,[4] or else to resign their cures, a most amazing offer.

It was under these circumstances that Grosseteste took the most celebrated step of his life in boldly refusing to comply with a Papal mandate; he was required to instal the Pope's nephew Frederic di Lavagna in a canonry at Lincoln; the appointment was to be carried out "*Non obstante*" 'any customs, statutes, oaths or confirmations of the Apostolic See or of any other authority to the contrary.[5] The Bishop wrote in answer that filial as was his devotion to the Holy See his very regard for its

The Pope rebuked.

[1] Paris, *C.M.* V 226, 256, 279, 300. See his Constitutions, *Epp. Grosseteste*, No. 52 also No. 130 and generally chapters vi. and vii. of Mr. Stevenson's Life.

[2] Rot. Pat. 28 H. III m. 6; Rashdall, II 393.

[3] Paris, V 355, where the sum is given as 30,000 marks. The figure must be corrected by the Pope's letter.

[4] 22 May, 1252; *Fœdera*, I 281. The wide gap between the alleged 50,000 marks and the 8,000 marks to which the Pope clung should be noted. 50,000 marks a year would be more than a seventh of all the church revenues in England, bishoprics and all.

[5] "Consuetudinibus vel statutis juramentis vel confirmationibus," etc.

honour bound him to resist mandates plainly contrary to Christian teaching ;[1] *Non obstante* dispensations were destructive of the mutual faith and trust on which human society rested : while for himself he knew of no offence more opposed to the spirit of the Gospels than to deprive human souls of pastoral care.[2]

The sensation created by this letter was such that Innocent immediately issued a Bull assuring the English clergy that the practice of making 'provisions' had been forced upon him ; and authorizing all patrons of preferment then held by foreigners to make immediate appointments thereto, such appointments, however, to take effect only at the death of the actual incumbents.[3] In other words the Pope repeated his old promise that no benefice should be held twice running by aliens.

The war in Gascony was at an end ; but the King was still in want of money. In his extremities he was not ashamed to write home to his subjects describing his situation as very critical ; the King of Castile was threatening to invade Gascony ; if the attempt proved successful England and Ireland would be in danger.[4] As everybody knew that the Spanish alliance was virtually concluded ; and that arrangements for the marriage were already in progress, the attempt at imposition was childish and transparent. Nevertheless, the dutiful Regents had to lay the idle tale before a Grand Council held at Westminster on the 27th January, 1254, and following days.

Grand Council.

The Prelates, who were first appealed to, were willing to assist most liberally, if Gascony should be really invaded ; but they doubted if the lesser clergy would give anything beyond the Tenth already being collected. The Barons likewise, to a man, could promise to go to Gascony if the Province were in danger ; but they again had misgivings whether the minor gentry could be induced to grant anything, except on condition of stricter orders to the sheriffs as to the observance of Magna Carta.[5]

A Grant evaded.

Here it will be noticed that the Magnates to a certain extent took shelter behind the commonalty, of whose concurrence in "parliamentary" grants nothing had ever yet been heard. The Government,

[1] "Quæ mandatis apostolicis adversantur."

[2] "Tam adversum Apostolorum doctrinæ et Evangelicæ." See *Grosseteste Epp.* No. 123, with the Papal Mandate for the appointment ; also Paris, 389 and Ann. Burton. To Grosseteste is attributed the completion of the nave, transepts and upper story of the central tower of Lincoln cathedral ; Trevet, 244 ; and Blaauw, *Barons' War.*

[3] Lateran, 3 November 1253 ; Ann. Burton, 314 ; *Fœdera*, I 294.

[4] See the letter of the 29th December to the Irish clergy, *Fœd.* I 295.

[5] See the Queen's report to the King, *R. Letters*, II 101 ; Paris, V 423 ; Ann. Dunst. 189.

however, was quick to take up the suggestion that perhaps the lesser folk might prove more manageable than the great men, and at once issued writs requiring the Sheriffs to return two law-worthy and discreet knights (*milites*) from each shire, to attend at Westminster on the 26th April for the purpose of granting an Aid. The knights would be elected in full county court, but no special qualification was required.[1] Representatives of the clergy of each diocese were also summoned. Thus we find ourselves at that "important landmark" in the parliamentary history of England, the first appearance of elected representatives in the National Council. John had called for county representatives in 1213, in the hope of getting a counterpoise to the great Barons; but the Council never met.[2] On the other hand the people had now become so familiar with the practice of electing men to represent them on committees of inquiry, assessment juries, and other local business[3] that to depute men to attend a central Council would seem but an easy step in advance. On this particular occasion the Crown gained nothing by summoning the Commons. The backbone of the assembly seemed rather to have been stiffened by the infusion of the popular element. The threatened Spanish invasion was scoffed at; de Montfort having come home had given exact details as to the state of affairs. The Parliament would grant nothing till the sheriffs honestly observed the Charters;[4] and the Regents had to content themselves with the clerical Tenth now fully exigible.[5]

First Return of Knights of the Shires.

No Grant.

Meanwhile the negotiations with Spain were progressing smoothly. On the 1st April a treaty of offensive and defensive alliance was concluded between the two Kings. Alphonso pledged himself to knight Edward, and to give him the Infanta Alienora in marriage: Henry undertook to make up the establishment of the young couple to £10,000 a year:[6] he also promised to use his best endeavours with the Pope to obtain leave to divert his intended Crusade from Palestine to Morocco; and agreed once more to admit Gaston and his followers to pardon, of course on proper

Treaty with Castile.

[1] *Select Charters*, 367, from Report on the Dignity of a Peer, App. I 13. "Milites" cannot now be rendered otherwise than by 'Knights of the Shire,' but the word did not at that time imply membership in any Order of Knighthood.

[2] See *Angevin Empire*, 446.

[3] See instances *Select Charters*, 343–352. In 1238 Henry had summoned delegates from the Cinque Ports to confer with him; *R. Letters*, II 15.

[4] Paris, 440.

[5] Paris, 451; q.v. for the stringency of the assessment; and especially the episcopal writs and returns thereto, Ann. Burton, 325–327, 366.

[6] This in fact had already been done, 14 February, 1254; *Fœd.* I 296, 297.

terms. Lastly Alphonso surrendered for himself and his heirs all manner of claim on Gascony.[1]

On receiving word of these arrangements Queen Eleanor embarked at Portsmouth on the 6th June, being the Friday after Whitsunday, accompanied by her sons Edward and Edmund, and Archbishop Boniface: in due time the party landed at Bordeaux.[2] Edward's engagement was then formally announced.[3] In the course of the autumn he was sent to receive his bride, with all the pomp that Henry was wont to parade on these occasions. The marriage was celebrated at Burgos late in October; but strange to say the exact day does not seem to have been handed down.[4] John Mansel delivered to the bride a charter investing her with Grantham, Stamford, Tickhill and the Peak as her jointure; and received in return a deed by which Alphonso testified that he had knighted Edward, and released in his favour all claims on Gascony.[5]

Marriage of Edward and Eleanor.

Henry was highly delighted with the result of this affair. He had gained an ally and secured the frontier of his Southern possessions. But there was another matter that he was pushing on at Bordeaux. As already hinted the Notary Albert had discovered in 1252 that Henry's paternal solicitude for his children, or his vanity, might lead him to accept for a son the offer of the Crown of Sicily so wisely declined by his brother. In December, 1253, a certain obstacle was removed by the death of young Henry, Isabella's son.[6] After that the Pope and Henry soon came to terms; Henry was little "embarrassed with prudence"; and Innocent was greatly in need of an ally. Having at last returned to Rome[7] he was anxious to relieve himself of the dangerous proximity of Conrad, who with the aid of his gallant brother the bastard Manfred had recovered Naples.[8] On the 4th March (1254) Master Albert made a formal offer to Henry of the Crown of Sicily on behalf of his second

Offer of Crown of Sicily to King's Son Edmund.

[1] See the documents dated at Toledo, April 1–20, 1254; *Fœdera*, I 298–301; Bordeaux, 18 September, Id. 308, and again Toledo, 1st November, Id. 310.

[2] The Queen came to Winchester on the 1st June and sailed on the following Friday, 'being the Friday after Whitsunday'; Ann. Winton; the other writers vary between the Friday before and the Friday after Whitsunday. Paris blends the two delightfully, giving "IV Kal Maii," or 29 May, as the 'Friday after Pentecost,' (!) 447.

[3] 18 July; *Fœd.* I 304.

[4] Edward signs at Vittoria on his way home on the 11th November. Itinerary, Bémont, sup. xxx.

[5] *Fœdera*, 304–306, 310. The last document is dated 1 November. One of the attesting witnesses is the Moorish King of Granada and Murcia.

[6] Raumer, *Hohenstaufen*, IV 344, Pauli; Paris, V 448, places Henry's death in May, apparently confounding it with that of his brother Conrad.

[7] In 1251 Innocent left Lyons for Italy, taking up his quarters at Perugia; late in 1253, at the invitation of the Senator Brancaleone, he returned to Rome.

[8] Paris, 430, Pauli, Milman.

son Edmund a boy about ten years old, the terms of the concession being left to be settled thereafter in conference.[1] Henry made no difficulties, but jumped at the offer. Regardless of the Pope's injunctions as to secrecy, he began at once to treat Edmund as actual King of Sicily.[2] What the Pope wanted was money. Cash to spare Henry had little or none.[3] But he could pledge his own credit and that of his subjects, and so the unprincipled monarch actually transmitted to Innocent blank letters of credit under his Seal to be filled in at the Pope's discretion.[4] On the 14th May Innocent IV ratified Albert's offer, recognizing Edmund as King of Sicily and Apulia 'up to the boundaries of the Papal States.' On the same day the Archbishop of Canterbury and the Bishop of Chichester are directed to borrow from all and sundry willing to lend money for the furtherance of 'the work of God and the Church' (*Dei et ecclesiæ negotium*), the English Churches to be assessed at their discretion for the repayment of the debt so created.[5] On the 23rd May the King is informed that 100,000 *Livres Tournois* (£25,000 sterling) have been raised, and that half the sum will be ready for him at Lyons, as soon as he is ready to start for Sicily. At the same time the clerical Tenths already granted for three years are conceded for two years more.[6] Bull follows Bull in quick succession, Innocent pressing on the business with feverish eagerness. Scotland must contribute a Twentieth 'for Holy Land' for three years; a Seal must be struck for Edmund as King of Sicily, while Henry's Crusading vow is commuted for a vow to invade Apulia.[7]

The offer accepted.

Raising Funds for the Enterprise.

A few days before, namely on the 20th May, Conrad IV had passed away in the 26th year of his age.[8] Innocent hastened to inform

[1] Vendôme, *Fœdera*, I 297. [2] Paris, 457, 458.

[3] The total revenue for the year on the Pell Receipt Rolls does not amount to £30,000. On the Issue Rolls not a penny appears as paid to the Pope, or any presumable agent of his. But for the total revenue the Wardrobe receipts would have to be added. See below Financial Summary.

[4] "Litteras patentes obligatorias"; Paris, V 458. In his estimate of Henry's expenditure in Gascony Matthew soars above all previous heights of chronicler's exaggeration as to figures, giving the amount as £2,700,000 (!) "vicies et septies centena millia librarum," p. 450. In fact the sums remitted to Henry in Gascony from home during the financial year 1253–1254 were two, one of 4,572 marks and the other of 4,670 marks, together 9,242 marks or £6,161 6*s*. 8*d*.; Pell Issue Rolls, Mich. and Easter 38 H. III.

[5] *Fœdera*, I 301. The Pope carefully directs the Bishops to draw the bonds in such shape as to relieve the lenders of the obligation of proving any bona fide consideration to the parties bound to repayment.

[6] *Fœdera*, 303.

[7] May 14–31; Id. and 304. Mr. Hill Burton states that the Twentieth from Scotland was raised to some extent, but applied to an independent expedition to Palestine, of which not a man returned.

[8] Pauli, citing Boehmer, Reg. Imp. 273.

Deaths of Conrad IV and Innocent IV.

the King of this fortunate circumstance. For a brief spell the Pope seemed to have the game in his hands. His adversaries were divided. The Germans clung to the little Conradin, the only child of Conrad; the Italian Ghibellines rallied round their countryman, the brilliant dashing Manfred, Prince of Otranto; while the Sicilians took their orders from Pietro Ruffo, a Lieutenant appointed by the late Emperor. Apulia was supposed to be held for Conradin by Berthold Margrave of Hohenburg. But Innocent won him to his side, appointing him his High Seneschal of Sicily, with a salary of 1,500 ounces of gold.[1] About the end of October the Pope entered Naples in state; but on the 2nd December Manfred overthrew the Papal forces with the help of the Saracens settled by his father at Nocera. Five days later Innocent died. On the 12th December Rainaldo dei Conti, a nephew of Gregory IX, was elected Pope, and took the style of Alexander IV.[2] For a short time it seemed as if Italy might be allowed to breathe.

In Gascony Henry had taken every opportunity of irritating his subjects by placing all the best posts in the hands of the Lusignans, even invading the hereditary jurisdiction of the Constable, the Earl of Hereford.[3] But his son's wedding over he had no further call to remain abroad. To avoid the discomforts of the sea-voyage, and also get an opportunity of seeing something of the sunny land of France, its cities and churches, of which he had heard so much, he applied for leave to travel through that country. Louis, who had just returned from Palestine, deeply mortified at the utter failure of his expedition—he had not even made out a visit to the Holy City—granted it freely. Moving Northwards from Cognac on the 7th November the King and Queen halted on the 15th of the month at Fontevrault, to visit the ancestral tombs; on the 20th they moved on to the celebrated Abbey of Marmoutier by Tours. On the 24th November Louis met them at Orleans, from whence Henry and Eleanor turned aside to Pontigny, to offer at the shrine of St. Edmund Rich, whom the King had worried to death. At Chartres the French King again met them, and escorted them to Paris. There Queen Eleanor would find her mother the Countess Dowager Beatrice, and her three sisters Marguerite of France, Senche of Cornwall, who had come over from England, and Beatrice of Anjou and Provence.[4] On the 9th December, the day of the King's entry,[5] the

Henry's Journey homewards.

Visit to Paris.

Four Fair Sisters.

[1] 2 November, *Fœdera*, 311.

[2] See his notification of his accession, *Fœd.* 312 and H. Nicolas, *Chron. Hist.* Pauli; Milman.

[3] Paris, 442, 445.

[4] Paris, V 467, 475, 476; Ann. Burton, 327–329; Dunst. 194.

[5] Itinerary, Bémont xxx.

University of Paris took a holiday, and received them in musical procession. Henry took for his quarters the Old Temple, a sort of caravanserai, with extensive accommodation for general meetings of the Order, situate outside the city walls. The morrow began with a liberal entertainment to all the poor of Paris, fish, meat, bread and wine being provided, while Henry visited the Sainte Chapelle,[1] and other places of interest. In the evening he insisted on giving the first banquet at his quarters, but he placed Louis at the head of the table, as if he were the entertainer, with himself on his right hand and Theobald IV of Navarre on his left. Twenty-five dukes and counts were said to have assisted, with twelve bishops and eighteen countesses. After the feast Henry sent round presents of silver cups, brooches and girdles to the chief guests. Men vowed that the famed splendours of the courts of Ahasuerus, Arthur and Charlemagne had all been eclipsed. Some eight days were spent by the two Kings in really cordial intercourse, and one that had a happy influence on their relations during the rest of their lives. It would seem, however, that Henry, in private, ventured to touch on the delicate question of the lost possessions, and that Louis once more assured him that but for the opposition of his Barons, and the Twelve Peers of France [2] he would readily have come to terms.

Royal Largesse.

A Conscientious King.

On the 11th December, the third day of his visit, Henry moved to Saint Denis. From thence he travelled to the coast, intending doubtless to keep Christmas in England. But foul winds detained him ten days between Wissant and Boulogne.[3] On the 27th December he sailed, landing the same day at Dover. Passing through Canterbury, on the regular road to London, he paused to worship at the Shrine of St. Thomas ; on the 4th January, 1255, he entered his capital.[4]

Henry Returns to England.

[1] "Capellam illam pulcherrimam."
[2] "Duodecim pares Franciae" ; Paris, V 477–483.
[3] Itinerary, sup.
[4] Paris, sup. 483, 484 ; Ann. Burton, 329 ; Dunst. 194 ; *Liber de Ant.* 21.

CHAPTER X

HENRY III (*continued*)

A.D. 1255–1257.

The Sicilian Affair.—Papal demands—Resistance of the English—Edmund invested with Sicilian Crown—Extortions practised on the Clergy—Scottish Affairs—Intervention of Henry—Welsh Affairs—Ascendancy of Llewelyn son of Gruffudd—The Imperial Crown offered to Richard of Cornwall and accepted by him—Welsh rising—Royal Expedition to Wales.

THE question now was how were all the liabilities incurred through the grand doings of the last year to be met? The King's private expenditure had, after all, probably not been excessive.[1] We hear of £1,077 10*s.* 8*d.* due to a company of Lucchese merchants for necessaries purchased for the King and his son Edward. This debt was satisfied by 'assignments' on tallages laid on London and York. Then for immediate wants the Earl of Cornwall advanced 5,000 marks (£3,333 6*s.* 8*d.*) on the security of a most extraordinary transaction. He was to get back £5,333 6*s.* 8*d.*, to be paid by instalments, by the collective Jewry of the kingdom, who were made over to him bodily, with all legal powers for enforcing payment of the money, as of a legal debt due by them to him.[2]

Mortgaging the Jews.

The demands of the Papacy in connexion with the Sicilian affair were appalling, and beyond all possibility of satisfaction. Alexander IV had taken up the business, confirming his predecessors' grants and publishing the conditions. These, so far as concerned the personal liabilities alleged to have been already incurred by the King, included a further £4,000 undertaken to be raised by Innocent, with 135,541 marks of expenses actually incurred by the Papacy in operations in Apulia. This sum, however, included a *douceur* of 20,000 marks kindly promised by Henry to the Pope and *Curia*. Especial stress was laid on this last item, but the whole demands were to be satisfied within two years' time.[3] Of

Price of the two Sicilies.

[1] See above, p. 148, note.

[2] *Fœdera*, 315, 316.

[3] See the elaborate stipulations, dated Naples, 13 April, 1255; *Fœdera*, 316–318.

the £4,000 not a penny had been received by Henry, and only half of the sum was said to be ready. The aggregate total, £94,360 6*s.* 8*d.* sterling, nearly equalled Richard's ransom, an amount that the combined resources of England, Normandy, Anjou, Maine and Aquitaine had failed to raise. 'Parliament' alone could grapple with such difficulties as these; and accordingly a Grand Council was summoned to meet at Westminster on the 11th April.[1]

Grand Council.

The King explained that he was in debt, without going into particulars. The clergy had the second year of the Papal Tenths to meet, so nothing more could well be asked of them, but the King pressed for a Tenth from the laity. The Barons met this by renewing their demand for the appointment of a Chief Justiciar, Chancellor and Treasurer acceptable to themselves. On this point the King was as obdurate as ever, and so the assembly was adjourned to meet again after Michaelmas.[2]

The Bull finally specifying the conditions of the Sicilian grant was brought to England, in the course of the autumn, by the Cardinal Ottaviano Ubaldini, ex-Bishop of Bologna, accompanied by the sub-deacon Rostand, a clever Gascon lawyer, the party being escorted by Peter of Aigueblanche, the Provençal Bishop of Hereford, who, in fact as Henry's Proctor, had accepted the Pope's terms. We have already given some of the demands made of Henry. The conditions laid on his son were equally stringent. He would hold his kingdom as a fief of the Papacy, rendering liege homage, and a rent of 2,000 ounces of gold per annum, besides being bound to put 300 mounted men-at-arms in the field, for service on demand; he would ratify the grants in favour of Berthold of Hohenburg and his brother, to the amount of 4,000 ounces of gold per annum, and would never allow himself to be elected Emperor or King of Italy. The young King would swear allegiance on reaching the age of fifteen; till then his father and his mother would be bound for him. In case of any default the Pope would be at liberty to revoke the grant.[3]

Conditions of the Sicilian Grant.

The Papal emissaries had their several duties to perform. The Cardinal would invest Edmund with his Kingdom, with a ring specially sent by the Pope; and would exchange ratifications of the treaty. Rostand was ostensibly charged with the duty of formally commuting the King's crusading vow;[4] but his real business was to take charge of the financial department,

A Papal Financial Agent.

[1] Paris, V 493; Ann. Burton, 336; Dunst. 195.
[2] Id.
[3] Ann. Burton, 348, 349; *Fœdera*, I 316–321; Ann. Dunst. 196.
[4] Id. 319.

to lay his hands on all compositions for relief from Crusading vows, legacies and gifts for Holy Land, intestates effects, Tenths granted by the Pope and the like'; in all cases payment to be enforced by ecclesiastical censure, "*Non obstante*" any previous indulgences granted.[1] But most especially would it be Rostand's duty to compel the churches to take up the drafts or bills drawn on them without authority, in the manner already referred to. The instructions to that effect issued by Innocent had lapsed through his death. But the idea had not fallen to the ground; and Alexander had authorized the Bishop of Hereford to draw *ad libitum* on the English monasteries for sums running from 500 marks to 700 marks, 'or more,' under the pretence of business transacted for them at the Apostolic See. The parties drawn upon would be required to admit the truth of recitals, false in every particular, as to the receipt and application of the money, and to renounce every objection and remedy known to the law,[2] including a special provision of the Fourth Lateran Council against interference by Papal letters with judicial proceedings.[3] A more unblushing proceeding in all the history of fraudulent finance it would be difficult to find. Yet parties attempting to resist would do so at the peril of their souls.

Accommodation Bills.

The mere rumour of the advent of Papal emissaries had thrown all England into a state of nervous apprehension.[4] Indignation reached its height when the actual scope of the mission became known.

Under these circumstances the adjourned Grand Council met at Westminster, its assembly including proctors for the lower clergy.[5] From the somewhat disjointed account given by Matthew Paris it would seem that the clergy and laity sat apart, the King in person negotiating with the Barons, while Rostand took charge of the clergy. The Barons again flatly refused to grant a subsidy—if indeed it was asked—alleging, we are told, that they had not been summoned in accordance with the requirements of Magna Carta, rather an odd excuse to give, considering that the meeting was an adjourned one. Individual applications failed likewise. The Earl of Cornwall refused to advance a penny for an enterprise, as to which neither he, nor any of the Barons, had been consulted; and he took the Bishop of Hereford

Grand Council.

No Grant from the Laity.

[1] See the instructions to Rostand, Ann. Burton, 350–353, and his directions to his subordinates, Id. 353–359.

[2] See the direction, Paris, V 523. The Bishop was so much bound up with these bills that he had the credit of having suggested the proceeding; Id. 510–513; Dunstable, 199.

[3] Canon 37; Mansi, Conc. xxii. c. 1023.

[4] Paris, 514.

[5] 13 October, Ann. Burton, 336, 360; Paris, 520.

severely to task for having abetted and aided the King in his folly.[1] After a month of weary intrigue the King gave up the struggle.[2]

As for the clergy they were in a very disorganized condition, wanting both leaders and allies. Not one of the greater barons would come forward to do battle for them, and with the independent position asserted by the clergy it was hardly to be expected that they should. The Earl of Cornwall habitually kept neutral, whenever he could. De Montfort and Gloucester were kept loyal by employment on confidential missions.[3] Of the prelates the Archbishop of Canterbury was abroad, as usual, engaged on family affairs; Walter Gray, the Archbishop of York, had recently died;[4] the Elect of Winchester was the King's brother, and the Bishop of Hereford his tool. The position of the clergy was this. They had still to meet the third year of the Papal Tenths, to which a sort of consent had been extorted. But for the diversion of the proceeds from Holy Land to Sicily, and for the prolongation of the tax for two more years, no consent of theirs had been asked or given. Under Rostand's instructions they had the prospect of being compelled to pay the extra years in advance, if not of being made liable for the whole of the King's liabilities to the Pope. Determined not to submit without a struggle Fulk Basset, the Bishop of London, and Walter Cantilupe of Worcester united the clergy in an agreement to reject all new demands preferred by Rostand, and to lay their grounds of refusal before the Pope. Rostand, however, refusing to accept any denial, adjourned them to the 13th January, 1256.[5] During the discussions the Bishop of London was reported to have said that he would rather lose his head than submit: while the Bishop of Worcester professed an equal readiness to be hanged. The Bishop of London went on to issue an inhibition against any action being taken under any of Rostand's letters within his diocese. Rostand complained to the King, and Henry threatened Fulk with degradation by the Pope. Basset answered, 'Let them take away my mitre if they can; my helmet will still remain.' Fulk was a lay as well as a spiritual Peer, having succeeded to the Barony of Wycombe at the death of a brother.[6]

The Clergy resist.

Helmet versus Mitre.

[1] "Quod tam enormiter regem infatuaret." Compare Ann. Burton, sup. "Negotium stulte et incircumspecte inchoatum." [2] Paris, 520, 521, 524.

[3] For the men who supported the King in the Sicilian affairs, see *Fœdera*, I 332. Gloucester and Jean Du Plessis Earl of Warwick are the only men of high rank besides the Lusignans.

[4] 1 May; Paris, 495; Ann. Dunst. 196. Henry actually wanted the office for Aylmer the Elect of Winchester, but the Chapter insisted on electing Sewal of Bovill the Dean of York, and Alexander confirmed him; Paris, 522; Ann. Dunst. sup. Wykes, 108; Sewal was consecrated 23 July, 1256; *Reg. Sacrum.*

[5] Paris, V 524–327; Ann. Burton, 360, and for the remonstrances to the Pope, Id. 360–363. [6] Paris, sup. Foss.

But the perverse King clung to his mad project. The hostility of his subjects mattered naught to him. On the 18th October Edmund was invested with his Kingdom, and Henry swore to visit Apulia with the same light heart that he had sworn to visit Holy Land, and sworn to observe Magna Carta. On the 6th November ratifications of the treaty were exchanged with Cardinal Ottaviano.[1] As Henry proposed to travel by land application would be made for leave to march through France.[2] As a necessary preliminary Peter of Savoy and Simon of Montfort had been instructed to negotiate a prolongation of the truce, and the truce had in fact been prolonged for three years from the 19th January, 1256.[3]

Edmund invested.

Truce with France.

Determined to offer what resistance they could, the bishops and archdeacons, when brought together by Rostand in January, again refused to set their seals to declarations that they had *bona fide* received moneys of which they had never seen a penny.[4] The bishops when asked to subject their lay fees to ecclesiastical taxation refused likewise.[5] Meanwhile, however, the 'Executor' of the Crusade, as he was styled, was applying the irresistible screw of excommunication and Interdict to individual Houses, and with tolerable success. In March the King directs his agent at Rome to inform the Pope that by Midsummer the honest 'industry' of Master Rostand will have provided money or security for nearly 80,000 marks; but he presses for time for payment of the balance.[6] Thus in fact we find the Westminster Chapter drawn on for £1,705 17*s.* 8*d.*, besides a conditional guarantee for another £1,000, for the expenses of Cardinal Ottaviano, who had gone home.[7] 500 marks are required of St. Albans;[8] 200 marks of Osney; Dunstable pays Rostand £50, which they had to borrow;[9] while we have a letter from Alexander himself directing Rostand to remit 2,000 marks due to merchants of Siena by drawing on Durham for 500 marks, on Bath, Thorney and Croyland for 400 marks each, and on Giseburn for 300 marks.[10] Paris likens the unfortunate clergy in their attempts to evade payment to blind men groping their ways along a wall. 'They were as sheep

The Clergy squeezed.

The Wolf in the Fold.

[1] Brit. Mus. Addl. MS. 15,358 f. 252, Pauli.
[2] Paris, *C.M.* V 515, 516; *Fœdera*, 331.
[3] *R. Letters*, II 107; *Fœd.* 324.
[4] Paris, 334, 340.
[5] 30 April, Id. 553.
[6] *R. Letters*, II 115.
[7] *Fœdera*, 334, 337.
[8] Paris, 552.
[9] Ann. Osney, 111; Dunst. 198.
[10] Paris, 581–584, 22 June, 1256, The bill on Osney was endorsed and discounted by the Pope himself.

whose shepherd was in league with the wolf.'[1] According to the writer the clergy who might venture to ignore Papal censures would have this further risk to face, namely, that the goods of any person remaining excommunicate for forty days would be liable to be confiscated by the King. The only concession that Alexander would make was that money paid to Rostand should rank as payment on account of future Tenths.[2] Rostand wanted to lay hands even on the wool of the privileged Cistercians. But the Pope had granted them special exemption; and in sure confidence of his support they could give the old answer, that without a general Chapter of the whole Order at Citeaux, they could decide nothing. Henry was furious and behaved very violently to a Cistercian Abbot who was at Court.[3] Can we refuse to believe Matthew Paris when he tells us that, for the time, the old loyal devotion of England towards her Mother Church of Rome was as good as dead? What revolted the English clergy most was the systematic bad faith shown towards them. They had agreed to a Tenth for three years; they are required to pay for five; they had made up their minds to a heavy sacrifice for the sake of converting the heathen; their money is applied to war on Christians in Italy; the money was promised on strict conditions as to the times of payment, and as to concessions to be made by the King; not a single stipulation is observed.[4]

Innocent III, when he called on the clergy to contribute a Twentieth of their revenues for the relief of Palestine, thought it incumbent on himself to contribute a Tenth of his own.[5] Yet the deeds of the Fourth Innocent were but the natural development of the policy of his great namesake.

Since the accession of Alexander III Scotland had been suffering from the troubles incidental to a minority. Two noble factions kept the country in a state of perpetual unrest. "The division was not one of race as Celt and Norman are found equally on either side." Relations to England may to a certain

Scottish Affairs.

[1] See also the contemporary ballad —

"Li Rois ne l'Apostoile ne pensent altrement
Mès coment au clers tolent lur or e lur argent,
Co est tute la summe."

Pol. Poems, 43 (Camden Soc. 1835). Another ballad, p. 30, roundly attacks the Papacy for greed and treachery dictated by ambition.

[2] Paris, 532, 558, and the Pope's letter, Osney, 112.

[3] Paris, 553–557, and the Pope's letter there of the 23rd May, 1255; Ann. Wav. 348. The King ordered the sheriffs to harass the Cisterians to the utmost; Paris, 587.

[4] See the remarkable passage in Paris, 535, 536, also 556; and the protests of the English clergy, Ann. Burton, 362, 366.

[5] See Hoveden, A.D. 1204.

extent have affected the policy of the two parties. The barons of double allegiance, owning lands on both sides of the Border, might be willing to sacrifice something of Scotland's independence for the sake of peace; while another party, equally composed of Norman and Celt, but more distinctly national, would resent all interference by England. But this dividing line had not yet come into such prominence as it did later; and the parties were probably bound together in the main by local and personal ties.[1]

A Minority.

At the death of the late King (1249) the two factions were led the one by Allan of Lentrathen, the "Durward" or Doorkeeper,[2] and also High Justiciar of Scotland; the other by the Comyns, namely Walter Earl of Menteith and Alexander Earl of Buchan. The parties had come into collision at the coronation. Allan in right of his office was properly the King's chief Minister, but the Comyns secured the reins of government.[3] Allan suffered a further rebuff at the time of the marriage of Alexander and Margaret. Being married to a natural daughter of the late King he was found making interest at Rome to have her legitimated, so as to bring his daughters by her into the line of succession.[4] Apparently he had to retire for a while to England. In 1253 he accompanied Henry to Gascony,[5] and gained sufficient influence over the fickle monarch to persuade him to intervene in his interest in Scottish affairs. Advantage was taken of a complaint from the young Queen of Scots to her parents that she was out of health, and kept apart from her husband.[6] She also objected to living in Edinburgh Castle, 'a damp melancholy residence by the sea.' Henry sent off the Earl of Gloucester and John Mansel to Scotland with instructions to put themselves into communication with the Durward and his party, and any others willing to join in opposition to the men who had been rebellious and unkind to Alexander and Margaret,[7] that is to say the Comyns, and the guardians appointed by Henry himself. With the help of Durward and Patrick Dunbar, Earl of March, Gloucester broke into Edinburgh Castle, 'liberated' the little Queen, and carried her and the young King to Roxburgh Castle;[8] thus setting a precedent to be often followed in later Scottish history, namely that of "kidnapping a monarch and ruling in his name."[9]

Hostile Factions.

Allan Durward.

The Queen of Scots.

Abduction of Alexander and Margaret.

1 See P. Hume Brown, *Hist. Scotland*, I 118.
2 "Ostiarius Scotiæ"; Chr. Melrose; "Dorwart"; Fordun.
3 J. Fordun, 294; Melrose, 178.
4 Melrose, 179; Fordun, 296.
5 Melrose, 180.
6 See Paris, 501, 505; Ann. Burton, 337; Dunst. 198.
7 Cawood, 10 August, 1255; *Fœdera*, 326.
8 Melrose, 181; Paris, sup.
9 J. Hill, Burton.

Henry was at Wark with an army watching the course of events.[1] On the 20th September the consummation of the *coup d'état* was announced by a proclamation issued at Roxburgh in Alexander's name, by which he announced that, at the instance of his dearest father and lord King Henry, he had dismissed the Comyns and their friends from his council; and had appointed twenty-one other barons who would hold office for seven years. That would cover the period till Alexander reached the full age of twenty-one years. On the same day the document was sent over to Sprouston, on the English side of the Tweed, opposite Kelso, and there ratified by Henry.[2]

A Revolution.

Balliol and de Ros had been selected to attend Margaret as men with interests on both sides of the Border. Balliol, the future founder of the Oxford College that bears his name, held a large part of Galloway in right of his wife Devorgoil, daughter of Allan of Galloway. De Ros of Wark was younger son of Robert de Ros of Hamlake or Helmsley by Isabella daughter of William the Lion. In keeping the young couple apart they had simply obeyed orders, but Henry made the complaints of his daughter an excuse for avenging old grudges. Both were impeached, Balliol subjected to a heavy fine, and de Ros to the forfeiture of his English estates. Both were sons of Magna Carta Barons.[3]

But Durward's connexion with England was fatal to his popularity. In August, 1256, the King and Queen of Scots came on a visit to England, apparently to ask for further support.[4] Henry reinvested Alexander with the Earldom of Huntingdon, and sent Mansel back with authority to call out troops to act against 'rebels,' if necessary.[5]

Counter-Revolution.

But next year the Comyns turned the tables on their adversaries, seizing the King at Kinross, and 'restoring' him to his kingdom.[6] Henry was too fully engaged at home to attempt to interfere.

But at this juncture Scottish affairs were not destined to exercise any determining influence on the course of English politics. The kindling spark was flashed from the West, and the mountains of Wales. Since the disastrous years 1246 and 1247 the unhappy land had rested in peaceful obscurity under the divided rule of Owain and Llewelyn, sons of Gruffudd. But in 1255 the country having somewhat recruited its strength, the old

Welsh Affairs.

[1] *Fœd.* sup. Henry was at Wark 12–21 September, Fine Rolls.

[2] *Fœdera*, 329. The names of the parties on either side are given in full.

[3] Paris, 507, 530, q.v. for an angry scene in connexion with de Ros' case, in which Henry had again to submit to the lie direct.

[4] Paris, 575; *Liber de Ant.* 23.

[5] *R. Letters*, II 120; *Fœdera*, 347.

[6] 1257, Chron. Melrose, 183; Paris.

curse of fraternal strife broke out again. Llewelyn attacked Owain and David, defeated them in a pitched battle at Bryn Derwen, and then took possession of their territory 'without any opposition.'[1] An English writer attributes the split between the brothers to the fact that Owain and David were disposed to acquiesce in the English supremacy, while Llewelyn was not.[2] The latter is described as a man of very fine person and a bold warrior,[3] and he certainly showed himself in many respects a worthy grandson of his namesake the son of Jorwerth. In immediate sequence on the unification of Gwynedd in his hands we have a renewal of Border troubles, complaints by the Welsh of English outrages, and complaints by the English of Welsh outrages; reciprocal demands for satisfaction, and so forth.[4] The situation was aggravated by rather hasty action on the part of young Edward, who had come back to England with his bride in the autumn of 1255.[5] The Crown conquests in Wales had been assigned to him as part of his appanage. These grants included Rhuddlan and the ceded cantreds of Perveddwlad in the North, with Montgomery, Carmarthen and Cardigan in the South. His first step in public life was to provoke a renewal of the struggle by which six and twenty years later the English conquest of the Principality was to be completed. In August, 1256, he paid a visit to his possessions in Gwynedd, and directed his officers both there and in the South to work for the more complete incorporation of the subject districts, by rearranging them in Hundreds and Shires, on the English plan, with county courts, and English judicial and administrative machinery, to supplant Celtic ways and customs. Most dangerous experiment of all, he ordered a poll-tax of 15 pence a-head to be levied.[6] These measures, in the then state of English affairs, were premature, but we must recognize the precocious ability of the young prince of seventeen who could devise schemes of government destined to prove entirely successful in the near future. In Gascony, too, where he had remained for a year after his father's departure, he had done good work, reducing the troublesome city of Bordeaux to better order, by depriving the jurats of the right of electing their own Mayor, keeping the election in the hands of the Crown.[7] But to return to Wales. The Welsh flew to arms: Llewelyn took the lead. Invading Perveddwlad he recovered the whole, all but Diserth castle; Deganwy on the Conway also

Llewelyn II sole Prince.

Edward the King's son and the Welsh.

[1] Ann. Camb.
[2] Ann. Burton, 408.
[3] "Vir pulcherrimus et bello strenuus"; Ann. Dunst. 200.
[4] *Fœdera*, 336, 339.
[5] October–November, *Liber de Ant.* 22, 23; Paris, V 527.
[6] Ann. Camb.; *Brut*; Ann. Tewkesb. 158; Dunstable, 200, 201.
[7] Tout. *Pol. Hist.* III 74.

remaining to the English. Pressing southwards he swept through Mid-Wales, devastating Edward's possessions, ousting hostile chieftains, and installing friends. About the beginning of October he was threatening Abergavenny; on the 4th December he slept at Cardigan, and did not return to his home till after Christmas.[1]

Edward found himself helpless in the face of such a movement. He had no sufficient means of his own, and had already incurred a certain amount of unpopularity through his own imperious tone, and the lawless behaviour of his foreign household.[2] The King of course had nothing to spare; the Queen wanted all that she could get for the furtherance of family interests in Piedmont. The Earl of Cornwall, it was said, had provided his nephew with 400 marks;[3] but he now had found at last an investment for all his accumulated wealth.

The Earl of Cornwall and the Imperial Crown.

The Christmas court of 1256, held at Westminster, was graced by the presence of an envoy from Germany, John of Avesnes,[4] entrusted with no less a mission than that of making a formal offer of the Imperial Crown to Richard of Cornwall. William of Holland, the Papalist puppet-king, had fallen in the previous month of January, in the course of hostilities against the Frisians,[5] and so the Throne was vacant. The English magnates received the intimation in silence, dismayed at the prospect of a fresh Continental entanglement, and the loss of the Earl, the one man who might be looked for to keep some check upon the King in his rampant folly.[6] Henry had been moving in the matter for months,[7] and was therefore ready with his opinion, 'It would be pusillanimous to neglect an offer plainly come from Heaven.' The Lusignans warmly backed him up; and Richard, putting on an air of great humility (*hominem induens*) declared that, however unworthy, he could not repel the honourable burden cast upon him.[8] On the 26th December Avesnes received full powers to settle details.[9] The Earl of Gloucester and John Mansel followed him shortly, still further to clench the matter.

He accepts it.

[1] Ann. Camb. 90, 91; *Brut*, 341 (under 1255); Paris, V 594–596, 598; Ann. Wykes, 111, etc.

[2] Paris, 593, 597, 613.

[3] Richard had advanced his nephew 1,000 marks in the previous year; Rot. Pat. 39 H. III m. 7; Pauli.

[4] Son of the Countess Margaret of Flanders by her first husband Bouchard of Avesnes. The succession, however, had been settled on her family by her second husband, William Count of Dampierre, supported by France. See Paris, IV 548, V 434, 453.

[5] Boehmer, Fontes, II 448; Pauli.

[6] "Quia presentia comitis esset multum regno Angliae necessaria."

[7] See his letter to his agent at Rome, Wm. Bonquer, *Fœdera*, 337. In June the Earl of Gloucester and John Mansel had been sent on a mission to the magnates of Germany, Id. 342.

[8] Paris, 601, 602; *Liber de Ant.* 24.

[9] Berlin Archives, I.K. 217, N. 27; Pauli.

Richard had resisted the offer of the Crown of Sicily; but the splendour of the Imperial dignity overpowered his good sense. The immediate result of his action was to imperil the friendly relations subsisting with France and Spain. The German envoys in London had ventured to assert that the Electors were unanimous. Such was not the case. A party were in favour of Alphonso of Castile, grandson of Philip of Hohenstaufen. Among his supporters were the King of Bohemia and Arnold Archbishop of Trèves. Alphonso therefore was in a position of direct antagonism, and in fact obtained a counter nomination on the 15th March.[1] The French again were alarmed at the prospect of an Anglo-German alliance.[2] In their choice of Richard his supporters had been influenced by the consideration that he was neither a Frenchman nor an Italian, nor one connected with the Hohenstaufen, but one who would be acceptable to the Papacy: his performances in Poitou and Palestine had gained him a certain amount of European fame; but his grand qualification was his wealth. "Nummus ait pro me nubit Cornubia Romae." [3]

A Counter-Election.

Richard's Recommendations.

No time was lost over the affair. Vast sums of money were transmitted to the Archbishop of Cologne, Conrad of Hohenstadt, the man who had taken the lead in the affair, to Gerard Archbishop of Maintz, to the Duke of Bavaria, and others.[4] The Electoral Diet was fixed for the 13th January, 1257, to be held at Frankfort. But of the chief electors Archbishop Arnold of Trèves, Albert Duke of Saxony, the Margrave of Brandenburgh, and the King of Bohemia had not been secured by Richard; and when the day came they were found in possession of Frankfort. The Earl's friends therefore had to hold their meeting and proclaim their King outside the walls of the city.[5]

By the 23rd January, apparently, the news of his election as King of the Romans had reached the Earl at Wallingford, with an assurance that the King of Bohemia was coming round.[6] Richard appeared at a Grand Council held at Westminster about the 18th March, to take leave of England.[7] A few days later the Archbishop of Cologne with the Bishop of Utrecht and

Richard leaves England.

[1] Boehmer, Fontes, II 513; Pauli also refers to A. Busson, *Die Doppelwahl des Jahrs* 1257.

[2] For the opposition of France and Spain, and efforts to disarm their hostility, see Paris, V 605–607, 611, 620, 622; *Fœdera*, 355–358.

[3] Paris, 603, 604.

[4] Wykes, 112–114.

[5] Wykes, sup.; Boehmer, Fontes, II 513; Pauli.

[6] See Richard's letter to the Archbishop of Messina written on a Tuesday, *Fœdera*, 353; where it is dated 22 January, a Wednesday; and Ann. Burton, 392, where it is dated 31 January, also a Wednesday.

[7] Paris, 621.

Florence V Count of Holland came over to do homage to the King-Elect, and arrange for his coming and reception.[1] Richard was not long of getting ready. On the 29th April he sailed from Yarmouth with Senche and his eldest son Henry; on the 1st May he landed at Dortrecht. Ten days later he entered Aachen, otherwise Aix-la-Chapelle.[2] On Ascension Day (17th May) he was crowned by the Archbishops of Maintz and Cologne, and took his seat on the throne of the mighty Karl. Sencl.e was crowned with him. On the next day he writes to his nephew Edward, and to the Mayor and citizens of London in jubilant terms, giving an account of his doings so far; all is going on swimmingly; the hostile Archbishop of Trèves had been signally defeated at Boppard on the Rhine, in the previous week: he has the fullest confidence in his new subjects.[3]

His coronation.

Richard of Cornwall had secured his crown. But the Sicilian affair had not yet been disposed of one way or another. Alexander, with evident reluctance, had granted Henry six months' extension of time for his stipulated expedition to Apulia.[4] Rostand, who had gone to Italy in June to report progress, came back early in 1257 with a coadjutor in the person of the Dominican, John Archbishop of Messina, commissioned to forward the Sicilian affair, and pin the King down to prompt action.[5] About the 18th March a full and influential Grand Council met at Westminster.[6] Henry laid his case before the laity more frankly, perhaps, than he had yet done. He produced Edmund in an Apulian dress, and begged the leaders of the nation to take on themselves the burden of subduing Manfred, or at any rate of supplying him with the means of doing so. He would not have been so outspoken if the Papal cause had not seemed desperate. Manfred had overrun the two Sicilies with a speed "that seemed to imply a national outburst." "Having wisely separa ed the cause of the hereditary Kings from the odious German tyranny . . . he now ruled in the name of his nephew from Palermo to Messina; from the Faro to the borders of the Papal States."[7] Under these circumstances, which were well known in England, the Barons had

Course of the Sicilian Affair.

Success of Manfred in Apulia.

[1] Paris, V. 624; and notes Luard; *Liber de Ant.* 26.

[2] "Eyse capellam"; Ann. Winton. and Dunst. (*note the French pronunciation*).

[3] Ann. Burton, 393; *Liber de Ant.* 26; For the names of some fifty gentlemen who had letters of safe-conduct to attend Richard, see *Fœdera*, 355.

[4] October, 1256; *Fœdera*, 347, 350.

[5] Paris, 560, 614; Ann. Burton, 384.

[6] Paris, 621, and Ann. Winton. The clergy were summoned for the 16th March; Ann. Burton, 384.

Milman, *Latin Christianity*, V 14.

The Barons in Sympathy with him.

no hesitation in refusing to give any kind of sanction to the so-called Crusade, their grounds of refusal—which were weighty, and in fact unanswerable—being given in writing.[1]

The clergy were called to meet under the presidency of the Archbishop of Messina in the Chapter House at Westminster on the 25th March. Rostand produced his latest Bulls, making a series of demands. Alexander wanted the Tenths for another year, the fourth, being the first of the two extra years imposed by him without consent. He also required First Fruits for five years; the entire revenues of non-residents, unless attending the Schools or engaged on Papal business; void and lapsed legacies; and so forth. In disclaiming any responsibility for the Sicilian business the clergy were not less determined than the laity; and they too gave their answers in writing.[2] But in the face of Rostand's powers the Pope's demands could not be flatly rejected. Having obtained an adjournment till after Easter (8th April), to consult the lower clergy in their chapters and archdeaconries, the Prelates returned with an offer of £52,000 to be paid to the King in full for all outstanding favours (*gratias*) conferred on him by the Papacy; the Church to be restored to all its pristine rights and privileges. Henry after some delay gave an ungracious assent.[3]

£52,000 of the currency of the time would be equal in mere bullion to nearly £160,000 of our money. In purchasing power the sum might be reckoned as something between three quarters of a million and a million. An Edward I, in the plenitude of his power, might be able to extort such a sum, as we shall see. As a quasi-voluntary offering to Henry III the thing is incredible in itself, and there is nothing either in the financial records, or the course of subsequent events to induce the belief that the money was ever paid.

Boniface the Savoyard Primate, who happened to be in England, doubtless had something to do with this weak concession, as Matthew Paris considered it. But later in the summer, as if to allow the clergy to vent their feelings, he held a Provincial Synod in London to protest against the wrongs done to them by Pope and King. Again the fullest measure of 'liberty' and exemption from lay jurisdiction is claimed; but with this we have complaints, doubtless well-founded, of the invasion of clergymen's premises, and the forcible seizure of their goods.[4] The clergy still

Provincial Synod.

[1] See the document, Ann. Burton, 387; also Dunst. 199, 200; Paris, 623. The Burton and Dunstable annalists give the year as 1256, being the year of Rostand's Bulls.

[2] See these, Ann. Burton, 390.

[3] Id. 402; Paris, 637.

[4] 22 August. See the Articles and the discussions on them, Ann. Burton, 401–408.

claimed to be protected by the Law, whose authority they themselves rejected.

The refusal of his subjects to take up the Sicilian affair left Henry in a state of the greatest perplexity and alarm. He seems to have feared that his neglect to prosecute the business might involve himself in an excommunication, and his kingdom in an Interdict.[1] He endeavoured to induce de Montfort and Peter of Savoy to go to Rome to strive for some arrangement: either a modification of the Papal requirements, or a compromise with Manfred, Edmund to marry his daughter, or the like—authorizing them, if necessary, even to renounce the whole affair.[2] But Alexander knew better than to push matters to an extremity as yet. On the 12th December he wrote to Henry by way of soothing his fears, giving him a further extension of time to the 1st June, and assuring him that, if well-behaved, he will be safe till then.[3] Certainly the unhappy King was in a pitiable state: his subjects ground down with taxation, but none of it going into his own pocket;[4] the Crown of Naples fading into infinite distance; the Queen suffering from pleurisy: an infant daughter dead; the Welsh, North and South, setting him and his utterly at defiance. The accumulated griefs threw him into a fever.[5]

Negotiations with the Pope.

The Welsh rising proved very serious in its consequences. The Welsh for once acted well together. Llewelyn having carried his victorious arms as far as Cardigan late in the previous autumn, proceeded early in January, 1257, in concert with the Southern chieftains Maredudd son of Rhys the Hoarse (Gryc), and Maredudd the son of Owain, a descendant of Rhys ap Teudwr, to overrun and subdue Upper Powys, the territory of Gruffudd son of Gwenwynwyn, a man who had always leaned on English support. Gruffudd, attempting to retrieve matters with the help of John L'Estrange of Knokyn and a force raised on the other side of the Severn,[6] was defeated and forced to retire into Montgomery. Pushing on Llewelyn drove the Mortimers from the cantred of Builth; in February he entered Gower, and wasted all the English lands there, and all round about Kidwelly and Abertowy. For Easter (8th April) the Prince went home again.[7] The most signal Welsh success came

Welsh Rising.

[1] See the memorandum, *Fœd.* 361. But the original grant of 1255 contains no such penalty for non-prosecution; excommunication is only denounced if Edmund should allow himself to be elected Emperor; *Fœd.* 316–318.

[2] June–July; *Fœdera*, I 359–361.

[3] *Fœdera*, 366.

[4] The receipts for the financial year 1256–1257 do not come to £13,000 on the Pell Rolls.

[5] Midsummer, Paris, 632, 643.

[6] Near "Eberriw."

[7] Ann. Camb. 92; cnf. *Brut.* 343.

in summer. On Wednesday, 30th May, Stephen Bauzun, Edward's Deputy, marched out of Carmarthen to raid the Towy Valley, and advanced as far as Llandilo Vaur, an outlying fort of the new Carmarthen county, where he spent the night. Next day the surrounding woods were found to be filled by the natives of the district under the two Maredudds, the sons of Rhys and Owain. All that day and all the next persistent attacks were kept up on the English in their hold. On the Saturday morning a Welsh ally, Rhys Vychan, son of Rhys Mechyl, a man who had been dispossessed by Llewelyn, having had enough of it, deserted. Bauzun then, finding the situation critical, started to cut his way home, the Welsh disputing every foot of the ground. At "Coed Llathan" the baggage train was captured. The English still fought their way on as far as "Kemereu," when, at midday, the Welsh, assembling their forces for a final assault, fell on the doomed band with a Celtic rush, and annihilated it. Hardly a man escaped.[1] The victorious chieftains then entered Dyfed (Pembrokeshire) and burned Llanstephan, Arberth, and other places. Of course the great walled fortresses defied attack.

Defeat of the English.

Henry could now no longer refrain from action. On the 18th July the military tenants were summoned to be at Chester by the 1st August. Another paltry, ineffectual campaign ensued, like those of 1228, 1231, 1233, and 1245—mere exhibitions of military incapacity. The plan of campaign apparently did not aim at more than the mere relief of Gannock, otherwise Deganwy, besieged by Llewelyn. Henry, accompanied by Edward, marched through the modern counties of Flint and Denbigh, devastating far and wide; relieved the fort, and then came back again. He was no soldier, but we are told that when all went well he could strut about camp in a smart suit of armour, highly pleased with himself.[2] Early in October he was back at Westminster. The campaign, as usual, involved the demand for scutage from those who had not served in person.[3]

Royal Expedition.

[1] 2 June; Ann. Camb. 94; Ann. Tewkesb. 158; Osney, 116; Paris, V 645.
[2] Paris, 649, 651; Ann. Tewkesb. 158; Burton, 408.
[3] Ann. Tewkesbury, sup.; Dunstable, 207.

CHAPTER XI

HENRY III (*continued*)

A.D. 1258–1259

The King in difficulties—Reform of Government demanded—Meeting of Oxford Parliament—Provisions of Oxford—Expulsion of the King's half-brothers—Course of Reforming Measures—Provisions of Westminster—Treaty of Peace with France.

THE memorable year 1258 opened under the gloomiest auspices. Incessant rain had prevailed through the autumn, and on to the end of January; two months of frost then followed;[1] crops and fruits alike failed; wheat in places rose to 10s. the quarter and even more; men and beasts perished miserably; starving multitudes pressed into the cities, to die in the streets. The mortality continued throughout the summer months. 'Were never known so many folk to die of hunger.'[2]

Distress and Mortality.

The pressure of such suffering was the one thing needful to make the seething discontent of the nation boil over. Under these circumstances a Grand Council or Parliament met at Westminster about Hokeday, or the third Tuesday after Easter Day, being the 9th of April.[3] Henry was in doleful straits. The Welsh were still united and in arms, and much encouraged by a defensive alliance against the English entered into with the Comyns and their party, the then ruling faction in Scotland.[4] The Pope,

Parliament.

[1] Paris, C.M.V. 660, 674; Annals of Osney.

[2] Paris, sup. and 701; Dunstable, 107, 208; *Liber de Ant.* 37; Chron. Lanercost; Florence, Continuation. The Close Rolls show that in Lincolnshire the people were dying in numbers from want 42 Henry III, 9th April, Pauli. See also the Provisions of Oxford, which complain of the multitude of Coroners' Inquests held in consequence of the mortality, Ann. Burton, 442. The distress in London was mitigated by large importations of corn from Germany and Holland, Paris, sup.

[3] Paris, V 676. "In Quindena Pascæ," *Fœdera*, 370. "There is some evidence that representative Knights from certain Shires were present during part of the proceedings," *Lords Report*, vol. 1, page, 460; Stubbs.

[4] 18 March; *Fœdera*, I 370. The name of the King of Scots does not appear in the treaty.

"that worst of all possible creditors," was still insisting upon liquidation of all liabilities incurred for the Sicilian war. A new Nuncio, Master Herlot, had just appeared to second Rostand's efforts,[1] and he was pressing for an immediate answer under threat of excommunication.[2]

The first incident of the Parliament was untoward. Of the many unpopular foreigners then in England perhaps 'the most unpopular was the King's half brother, William of Valence.'[3] In the previous summer a violent quarrel had broken out between him and the Earl of Leicester. William, who held himself quite above the law, had invaded one of Simon's manors and carried off some property. Simon's bailiff having ventured to re-possess himself of the goods, William complained of this presumption to the King, and when faced by Simon, lost his temper and called him a traitor. The Earl would have fallen on him with his sword had not the King thrown himself in the way. We are told that the breach was never healed.[4] This was the more unfortunate, as Simon had been on friendly terms with the Court ever since his reconciliation in 1254, and Henry had endeavoured to secure him by employment on foreign embassies, and other marks of confidence and distinction.[5] On the present occasion when the King unfolded the calamitous state of public affairs, and asked for assistance and advice, de Valence coolly said that it was all the fault of the English traitors. He was asked to explain. He named the Earls of Leicester and Gloucester. A scene ensued which was in all respects a repetition of that of the previous year; the King having to interfere to keep the two from coming to blows.[6]

Simon of Montfort and William of Valence.

"But the great issue of England for the English had been put and challenged in the face of day." The King soon found that the question was not so much what he was to get from his subjects as what they were to get from him in the way of guarantees for his future conduct. Day by day the tone of the Council grew more and more determined. Three full weeks the angry debates lasted; at last, under the pressure of something like bodily fear, the King had to yield. Apparently at first he tried to satisfy his subjects by pledging himself to execute all necessary reforms by

England for the English.

[1] Paris, sup. See Herlot's Commission, dated 29th December, 1257; Ann. Burton, 409. He notifies his arrival in London on the 1st April. Id. 411. For the Pope's action, see *Fœdera*, 368, 369, 371.

[2] Paris, 634.

[3] So Paris, 689. "Willelmus universorum protervitatem superabat." So of all the four brothers Ann. Wav. 349.

[4] Paris, 634.

[5] *Fœd.* I 306; *R. Letters*, II 107, 120, 121, 392, 393; and above, p. 154.

[6] Paris, 696, 697.

Christmas, by the advice of twelve good men of the realm—not otherwise specified—and with the further advice of a Papal Legate, if there should happen to be one at that time in England; the Barons in return to grant an Aid for the Sicilian affair.[1]

We take it that the Barons refused to accept an undertaking open to so much suspicion; and that, in consequence, the King was forced to sign a more definite agreement, pledging himself to execute forthwith all necessary measures of reform, and to place the execution in the hands of a body of Twenty-four Councillors, to be chosen half by himself and half by the Barons; the selection of the Twenty-four and all other questions being reserved for a further Parliament, to meet at Oxford after Whitsunday. The Barons in return promised to use their best endeavours to procure the King a grant, but not specifically one for the Sicilian war. Young Edward, with some reluctance, gave his assent. The other attesting witnesses are the two Lusignans, Peter of Savoy, and John Du Plessis, Earl of Warwick.[2]

Henry promises Reform.

It is characteristic of Henry and his Court that at this very time, with all his difficulties, he could spare £1,000 for the necessities of Thomas of Savoy, who had been a prisoner in the hands of the men of Turin, and owed money for his ransom; while Edward, when forced to mortgage his estates at Grantham and Stamford, found an investor with plenty of money to lend in William of Valence.[3]

In anticipation of the general Parliament the clergy met in Synod at Merton on the 6th of June, under the presidency of Archbishop Boniface, when a most formidable list of grievances, of the same character as those complained of in the previous month of August, was drawn up, with suggestions as to the means to be employed for impressing their demands upon the King's attention.[4]

Grievances of the Church.

About the 11th of June the celebrated Oxford Parliament met.[5]

[1] 2 May; *Fœd.* 370; *Select Charters*, 371; cnf. Paris, 689.

[2] For the documents, see *Fœdera*, I 370, 371; *Select Charters*, 371. For the discussions, see Paris, 676, 680, 682; Ann. Tewkesbury, 163; the latter account probably derived from one of Gloucester's followers.

[3] Paris, 678, 679.

[4] Ann. Burton, 411–429. A list of grievances drawn up by Bishop Grosseteste was also reproduced.

[5] Dunstable, 208; Osney, 118; Paris, 695. The epithet of "Mad" usually applied to this Parliament seems to be due solely to the author of the *Liber de Antiquis Legibus*, "parliamentum illud insane," page 37. The epithet does not represent the general view of the writers of the time, who are loud in their praises of the work of the Oxford Parliament. See especially Waverley Annals, 349. The writer of the *Liber* himself fully admits the great need there was for reform. The Annals of London, however, also the work of a leading citizen, condemns the action of the Parliament, I 51; so too Wykes, but he wrote under Edward I. These three exhaust the list of Royalist writers.

Meeting of Oxford Parliament.

The Barons all appeared at the head of their retainers. Writs recently issued for an expedition to Wales furnished the excuse, but the real danger was from within; they remembered King John and his foreign mercenaries; and had seized the Cinque Ports to guard against importations from abroad.[1]

Petition of Grievances.

Business having begun, the Barons presented a long list of grievances, doubtless well founded, being complaints partly of violations of the Charters, partly of unwarrantable practices on the part of the administration; and partly also, it must be said, of hardships arising from the defective state of the Law. Under the latter category we have a protest against the cruel right of the Crown to waste the lands of a minor in wardship; an abuse, however, not destined to be abolished till the Restoration of Charles II. For illegal practices we have the exaction of military service from men for the whole of their lands, when only a small part was held directly of the Crown in chivalry; so again of claiming the wardship of an estate under similar circumstances; both practices having been specially disclaimed by Magna Carta. Then again they complain of the re-afforesting of lands disafforested under the compact of 1225, when the Fifteenth was granted. So of the granting of rights of free warren to one man over another man's land; of the making of illegal grants of lands, under pretence that they had escheated to the Crown, when they had not escheated. One very singular complaint was that the King had granted so many exemptions from serving on juries that it was difficult in some counties to get knights together for holding a Grand Assize. For abuses in the administration, we have the imposition by Justices in Eyre and Sheriffs of the arbitrary fines and amerciaments that fill the columns of the Pipe Rolls; as, for instance, when men were fined for not attending two courts in different places on the selfsame day. With respect to Purveyance it is to be noted that no objection is raised to the practice in itself, but only to the seizure of more goods than were actually needed for the King's use. Then again the Barons protest against the marrying of heiresses to foreigners, and the committing of royal castles, and especially of castles at seaports, to foreigners; a standing malpractice of the reign. They also object to alien merchants and money-lenders (*Caursini*) being allowed to live and trade in London without contributing to tallages. On the whole, however, the grievances, however unquestionable, are evidently regarded from the point of view of great lords.[2]

The next step was to make choice of the Twenty-four through whose agency the grievances were to be redressed,[3] and responsible

[1] Burton, 438; Paris, 696.

[2] Ann. Burton, 439–443; *Select Charters*, 373.

[3] "Ut reformetur status regni secundum quod melius viderint expedire," *Fœdera*.

A Reforming Committee appointed.

Ministers appointed for the government of the country. The King nominated his nephew, Henry of Allmaine, who had come back from Germany; the Bishop of London; the three Lusignans—William, Guy and Aylmer; the Earls of Surrey and Warwick; Richard of Crokesley, Abbot of Westminster; John Mansel; Henry of Wingham, Keeper of the Seal;[1] Friar John of Darlington, the King's Confessor; and, doubtless, Archbishop Boniface.[2]

Of the above men John of Warenne, Earl of Surrey, was married to the sister of the Lusignans; John Du Plessis was only Earl of Warwick for life, in right of his wife Margery, sister and heiress of Thomas of Beaumont, the last Earl. John himself was a cadet of a Poitevin family of medium rank, and owed everything to the King.[3] Thus the Bishop of London was the only really independent supporter that Henry could find.

The Barons' list comprised all the men of most mark in the kingdom, namely, the Earls of Gloucester, Leicester, Hereford, and Norfolk, the latter being Earl Marshal; his brother, Hugh Bigod; Walter Cantilupe, Bishop of Worcester; the powerful Welsh Marcher, Roger Mortimer; John fitz-Geoffrey; Richard Grey; William Bardolf; Peter of Montfort; and Hugh le Despenser.[4]

The King and Edward had sworn beforehand to abide by the decision of this body. They were now required to renew the engagement, and Henry seemingly gave in at once.[5]

From the first it became clear that the influence of the Barons' twelve was preponderant. The appointment of responsible Ministers to the approbation of the Barons had been the primary instalment of Reform repeatedly insisted on. The first act of the Twenty-four, apparently, was to satisfy this require-

A Chief Justiciar.

[1] Henry was made Keeper in 1255, on the resignation of William of Kilkenny, made Bishop of Ely; Foss, II 521.

[2] Ann. Burton, 447; *Liber de Ant.* 37. The name of the twelfth person has fallen out of the list, but Boniface clearly appears later as one of the Twenty-four.

[3] *Complete Peerage*, per G. W. Watson.

[4] Burton, 447. Despenser had his name from the office of Steward to the Household held at some time by his family; he was perhaps descended from Robert le Despenser, Steward to the Conqueror. John fitz Geoffrey was son of Geoffrey fitz Peter, Earl of Essex, by his second wife Aveline; Foss, II 330. He had been Chief Justiciar of Ireland 1245–1255; Gilbert, *Viceroys*, 102, 104. Richard de Grey was the lord of Codnor in Derbyshire, and may have been nephew of Archbishop Gray, and a North country baron. Bardolf was a baron of old standing with estates in Notts and Norfolk. Peter of Montfort was head of an independent family settled in England since the Conquest, with estates at Beaudesert and Henley in Arden in Warwickshire; *Historic Peerage*.

[5] For Henry's consent, see *R. Letters*, II 129; for Edward's hesitation, see the interesting letter in the Burton Annals, 445.

ment. The all-important office of Chief Justiciar had been vacant since the retirement of Stephen Segrave in April, 1234. The choice of the Council fell on Hugh Bigod, brother of the Earl Marshal, "a man of the strictest integrity." [1] But a spirit of compromise was shown by allowing the Keeper of the Seal, Wingham, and the Treasurer, Philip Lovel, to retain their offices.[2] Stringent forms of oaths to be taken by these officials, the Twenty-four, and the whole collective Parliament (*le cummun de Engleterre*),[3] were drawn up. The Barons must swear to stand by each other, and their supporters, as against all men, taking nothing wrongfully, neither land nor goods, and saving faith to the King and Crown. The Twenty-four would promise to treat together for the amendment of the state of the realm, pledging themselves that they would not fail for gift or promise, love, fear or hate, gain or loss from acting loyally according to the letter granted to them by the King. The officials would do their duty well and loyally, but always according to the Provisions made or to be made by the Twenty-four and the King's Council; the Chancellor must seal no writs, except writs of course, without the consent of the King, or the Counsellors present.[4] Whatever the need of Reform may have been, and it was great, the tenor of these oaths again clearly gave an oligarchical character to the movement.

Oaths for Barons and Officials.

Means having been thus secured for an immediate control of the administration, orders were next issued for the selection of four knights in each shire, to receive and make note of complaints against sheriffs and others, pending a grand Iter to be undertaken by the Chief Justiciar, when he would amend, not only wrongs done by the King's officers, but also wrongs done by earls, barons and others, according to the law of the land.[5] Again following the lines of the Petition of Grievances, the Barons then propounded and obtained an order for the removal of foreigners and other suspect persons from the keeping of the royal castles, and for committing those fortresses to safer hands.[6]

Grievances to be reported.

These primary requirements having been seen to the Barons then produced a cut and dried "provisional Constitution," to control the

[1] Stubbs; Osney, 119; Dunstable, 203. Bigod appears as Justiciar on the Patent Roll of the 22nd of June, committing to him the custody of the Tower; Foss. See also the letter in the Burton Annals, 443.

[2] Wingham held the Seal till he was made Bishop of London, 18 October, 1260; Foss, II 144.

[3] The phrase occurs two or three times, and in such connexion as clearly to give it the sense that I attach to it.

[4] Burton, 447, 448.

[5] Burton, 446; Dunstable, 209.

[6] 22 June, Patent Roll, 43 Henry III m. 6; Burton, 448.

A New Constitution propounded.

Executive, or, as it was expressed, to advise the King concerning the government of the realm, and to amend whatever things they might see needed amendment.[1] A standing Council of fifteen was to be appointed. They would attend *ex officio* all Parliaments, of which three would be held in each year, one a week after Michaelmas, another on the 3rd February, and the third on the 1st June. In the Parliamentary work they would be assisted by a further body of twelve 'good men' (*prodes homes*) to be named by "le commun," i.e. the whole assembled Parliament; whatever these twelve should do to be held as settled.[2] This arrangement was explained as intended to save the expense of more general attendance in Parliament (*pur esparnier le cust del commun*). The scheme of this Council of Fifteen was probably adopted to get rid of the deadlock of the equally divided Twenty-four, and secure a working Executive Committee.

Provisions of Oxford.

Government by a Committee of Barons.

How far these arrangements were meant to be permanent and how far temporary does not appear. They did not involve any co-operation in the work of government by any class outside of the Baronage; they even restricted the action of the Baronage in general, keeping all power in the hands of the higher lords. The primary object was "to fetter the King"; and the need for that might last throughout the reign; he was to be reduced to the position of a puppet, taking his orders from the Lords' Committee. It was an attempt to reach *per saltum* the happy state of things under which the King reigns but does not govern, an attempt that, on the narrow basis on which the new Constitution was founded, was bound to fail.

Naming of the Committee.

As everything would depend on the composition of the Fifteen, an elaborate mode of selection was devised, the evident aim being to keep out violent partizans, and secure the choice of moderate men, more or less acceptable to both sides. The twelve men named by the King for the Twenty-four were to choose two men from the Barons' nominees; and they in like manner were to take two from the ranks of their opponents. These Four were to choose the Fifteen.[3] The men chosen by the King's supporters were the two Bigods, and those taken by the Barons were the Earl of Warwick and John Mansel; while the list of the Fifteen made up by them came out as follows:—

[1] "Averont poer del rei conseiler . . . del governement del reaume . . . et pur amender totes les choses ke il verrunt ke facent a amender"; Burton, 453.

[2] "Ke le commun tendra pur estable ces ke ces XII frunt"; Burton, 452. For "le commun" as Parliament, see Id. 449.

[3] See Burton, 449, and the King's writs directing these Four to proceed to the choice of the Fifteen, dated 26 June; *R. Letters*, II 128.

The Archbishop of Canterbury (Boniface of Savoy).
„ Bishop of Worcester (Walter Cantilupe).
„ Earl of Leicester.
„ „ Gloucester.
„ „ Norfolk.
„ „ Aumâle.
„ „ Warwick.
„ „ Hereford.
Peter of Savoy.
John fitz Geoffrey.
Peter of Montfort.
Richard Grey.
Roger Mortimer.
James of Andley.
John Mansel.

As ten of this number belonged to the Barons' party, and only five to the King's party, the majority of the Reformers would be decisive.

Reforming Majority.

Concurrently with the appointment of the Fifteen, we have the issue of a Memorandum providing for a general Reform of the Civil administration, and prescribing the duties and responsibilities of all the King's Officers, from the Chief Justiciar, Chancellor, and Treasurer down to the Sheriffs, Escheators, Wardens of the Jewry, and Stewards of Manors; even the Royal Household is to be 'amended'; the tenure of office so far as possible to be yearly; neither fees nor offerings to be taken by officials, except 'customary offerings of meat and drink.' It was further suggested that the King should give salaries to his Judges and the people who served him, 'so that they have no occasion to take anything from elsewhere.' In all things the Charter of Liberty is to be firmly kept.[1] Forms of Oaths had already been prescribed binding all classes to support the new Constitution, 'saving faith to the King and the Crown.'[2]

Henry, like his father in similar circumstances, made no difficulties, calmly assenting to everything laid before him. He trusted that

The King swears submission.

when the fitting time came, the Pope would relieve him of his oaths. Trouble began when the delicate question of enforcing the resolution as to the resumption of Royal castles was taken up, coupled with the further suggestion that the King's immediate wants might be met by a resumption of Crown

[1] See the document in French, Burton, 450–452; also given in *Select Charters*, with a translation, p. 381.

[2] Burton, 447.

Lands.[1] As the current of Henry's liberality seldom flowed in favour of his native-born subjects, it was easy to see the bearing of this proposal. A list was drawn up of nineteen Barons, all of them Englishmen, to whom the King's Castles should be committed. The Tower was at once entrusted to the Justiciar, Hugh Bigod (22 June).[2]

His half-brothers resist.

But the King's half-brothers protested that they would yield nothing that the King had given them. De Montfort sternly told William of Valence that he should either surrender his castles or his head. For the sake of consistency Simon had already surrendered his own Castles of Kenilworth and Odiham.[3] The two young princes showed a decided disposition to side with the foreigners, so did the Earl of Surrey. Henry of Allmaine was required to take the oath to the Twenty-four. He pleaded that he had no land of his own, and that he must consult his father. Forty days were allowed him for that purpose.[4]

The stormy discussions in the Hall of the Blackfriars at Oxford must have lasted six days longer, at least, as on the 28th of June, in consequence of Edward's attitude, an order was issued to his Officers in Ireland warning them to take no orders from him without the King's warrant.[5]

They take flight, are pursued,

By that time, however, the Poitevins, satisfied that in Parliament they were powerless, slipped away without leave or licence to Winchester, establishing themselves there in their brother's Palace, Wolvesey Castle. The Oxford Parliament broke up at once, the Barons marching in pursuit with the King. About the 2nd of July the Court appeared at Winchester.[6]

The fugitives were besieged and promptly forced to treat, offering entire submission to the Provisions. Henry did his best to keep William and Aylmer in England, offering himself as security for their behaviour. But the utmost that the Barons would concede was that William and Aylmer should remain as State prisoners, to answer any charges that might be brought against the three of them. Under this alternative they elected to depart, on condition of being allowed to retain part of their estates. They also pressed to be allowed to take away their treasures with them. This was conceded to the amount

[1] See the letter in the Burton Annals, written by some one who was present at the Oxford Parliament, p. 443.

[2] Burton, 453; Patent Roll, cited by Foss.

[3] Paris, 697.

[4] Ann. Burton, 444.

[5] *Fœdera*, I 373. So also to Gascony, Id. 374. Again, on the Fine Rolls Henry signs at Oxford on the 28th, moving to Abingdon on the 29th.

[6] Ann. Winton, 97; Burton, 444; Paris, 698.

and expelled from England.

of a round sum of £4,000.[1] On the 5th of July the King signed a safe-conduct for them to leave England by the 14th of the month, and on that day they sailed from Dover. Many foreigners of lesser note went with them.[2]

Young Henry of Montfort followed the exiles to Boulogne, to urge Louis to show them no favour beyond a safe passage to Poitou.[3] But the Poitevins were in a very bad odour in Paris, where the Queen hated them, on account of their bad behaviour to her sister, the English Queen.[4] In connection with this the reader may have noticed the curious circumstance that the Savoyards were not proscribed along with the Poitevins. The fact is that the two factions, the King's party and the Queen's party, as they were popularly termed, the Poitevins and the Savoyards, were constantly at issue. The English had become in a manner reconciled to the presence of the Savoyards, and they had never made themselves so unpopular as the sons of Queen Isabella.[5]

The King's Son and the Barons.

But the man who held out most stubbornly against the Provisions of Oxford was young Edward. Not till after the banishment of his uncles could he be induced to subscribe to the new Constitution. Pressure had to be put upon him by his Royal Father, who probably could not understand so much fuss being made about a mere oath. Four special counsellors were appointed to attend the young man, and watch his proceedings.[6]

Parliament at Westminster.

Henry and his eldest son had formally accepted the new Constitution, but it had yet to be proclaimed to the nation, and put into working order. On the 22nd of July the session of Parliament, interrupted by the flight of the Poitevins, was resumed at Westminster. The first act of the Barons, again following the lead of 1215, was to secure the support of the City. On the 23rd of July the Mayor and Aldermen were summoned to the Guildhall,

[1] See the letter in Burton, 445; Ann. Winton, sup.; and the Barons' letter to the Pope, Burton, 459. William was allowed to take 3,000 marks with him; *Fœd.* 374. The English authorities were very busy all the autumn to prevent money being smuggled out of the country by foreigners; Paris, 704, 713. William's wife, Jeanne, remained in England to look after her interests; *Fœd.* 377. She was allowed to draw 500 marks a year from her own estates; Paris, 704, 721; she rejoined her husband in December, 726.

[2] *Fœdera*, 374; Burton, 445. They left Winchester on the 11th of July; Winton.

[3] Paris, V 702, 710.

[4] Paris, 703.

[5] For instances of gross cruelty to subordinates by the Lusignans, see John of Oxneades, 194; and Paris, 708; also Aylmer's behaviour to his monks at Winchester, Paris, 468.

[6] See the letter in Burton, 445. "Postea dominus Edwardus cum maxima difficultate ad hoc inductus se supposuit baronum provisioni"; also Ann. Winton, 97. The four attendants were John Balliol, John Grey, Stephen Longespee and Roger of Montalt.

and the Provisions of Oxford were laid before them. After a short consultation apart the Mayor and Aldermen gave a ready consent, and sealed an acceptance of the Provisions, 'saving the liberties and customs of the City,' a reservation that led to some days' discussion. Eventually they obtained a prohibition, destined, we are told, to prove short-lived, against all seizure of goods by the King's officers, saving always the prisage of wines, or the King's right of taking two tuns of wine from each ship at 20*s.* the tun,[1] a price considerably below the true value.

The City and the Barons.

Having secured the support of the Londoners, the Barons proceeded to proclaim their new Constitution and set it a-going. On the 28th July writs were issued for the election of the knights of the shire, to hold inquests as to grievances,[2] while on the 4th August the King published a notification of the oaths taken by himself and his son to abide by the ordinances of the Twenty-four, or the majority of them; also of the authority given for the choice of the Fifteen, together with a further pledge 'to hold as firm and established whatever the said Council or the greater part of them should do.'[3] We may point out that throughout the Twenty-four appear to be regarded as the body to which the King was pledged, the Fifteen being merely their Executive Committee, as already suggested.

The new Constitution published.

Further business was adjourned to a Parliament to meet at Westminster on the 13th October, the King's great Saints' Day.[4] On the 18th of that month a final publication was issued of the fact that the King 'willed and granted' that whatever his counsellors or the majority of them had done or should do, for the benefit of the realm, was to be 'steadfast and lasting in all things, without end'; and that he ordered all true men of his on their troth to hold and maintain the same, against all men, 'right to do and receive.' Thirteen of the Fifteen attest the document. The proclamation was sent down to the counties, not only in the usual official Latin, but also in French and English, the latter version presenting us with a most valuable specimen of the vernacular of the time.[5]

A Parliament.

The King's acceptance of the Provisions of Oxford finally proclaimed.

Some may be inclined to surmise that the iteration of these assurances of the King's honest intentions were intended quite as much to impress him, as to inform the people of the change in the spirit of the administration, a fact that would soon make itself known through the

[1] *Liber de Ant.* 38, 39.
[2] Ann. Burton, 456; *Fœd.* I 375.
[3] *R. Letters*, II 129.
[4] Ann. Winton, 97; Dunst.
[5] *Fœdera*, 377, 378; Ann. Burton, 455. For the text of the French and English versions, see Appendix to this chapter.

altered behaviour of the officials. Certain it is that Henry's 'unfathomable duplicity'[1] ("*Investigabilis duplicitas*") caused the Barons the gravest anxiety. To reform a corrupt administration after a long period of unprincipled laxity was a task in itself sufficiently huge; to do so with a hostile and refractory King working against them would be well-nigh impossible.[2]

Difficulties of the Barons.

Symptoms of impatience on the part of the public at the delay in the redress of individual grievances probably began to appear. To meet this, apparently, a letter supplementing the writs of the 28th July, was sent round the counties, explaining apologetically that evils of long standing could not be cured at once, and urging men to come forward and boldly lay their grievances before the elected knights. The King informs the people of the new oath against malversation imposed on the sheriffs, and proceeds to limit their claims to free quarters on their rounds, evidently a main standing grievance, which we may compare with the visitations by bishops and archdeacons to which the parochial clergy were subject. A sheriff must not take more than five horses with him, nor quarter himself on any layman not worth £40 a year in land, nor with any House of Religion not possessing 100 marks a year (£66 13*s.* 4*d.*) in land or rent, and that not more than once in each year 'or twice at most'; and if this should happen by chance, the practice not to be drawn into custom. In the matter of presents he must not take more than twelve pennies' worth at a time.[3]

Instalments of Reform.

That the Barons were honest in their purposes of Reform cannot be doubted. In pursuance of resolutions passed in the October Parliament, during that month, and the next, eighteen sheriffs controlling twenty-five counties were removed;[4] one of them, the sheriff of Northampton, was imprisoned. Philip Lovel, a man already found wanting, was again accused of malversation—the King himself complaining of him—and dismissed from the Treasury. In Essex the Constable of Colchester, Guy Rochfort, a foreigner, was removed;[5] while Hugh Bigod, the chief Justiciar, started without delay on a circuit of all the counties, beginning with Surrey:[6] he was directed, if possible, to complete the round of the kingdom by Easter.[7]

[1] Paris, *C. M.* V 706.

[2] The writer of the letter in the Burton Annals above cited saw the difficulties in the way of the Barons. "Magna et ardua habent barones providenda . . . utinam bonum finem sortiantur"; p. 445.

[3] *R. Letters*, II 130, from the Patent Roll; Burton, 453; see also Paris, 720.

[4] *List of Sheriffs.*

[5] Paris, 714, 718, 725. John of Crackale became Treasurer, while Lovel died at Christmas time; Dunstable, 210.

[6] Foss, II 420; *Liber de Ant.* 39.

[7] Matthew of Westminster, II 426, 427. ("Flores Historiarum," Luard, Rolls Series, No. 95.)

With respect to foreign affairs the Barons could show more tangible results. On the 17th June, during the sitting of the Oxford Parliament, a truce for a year had been signed with Llewelyn II, on the terms of his retaining the four Cantreds, Henry being allowed access to Deganwy.[1] The Welsh wished for a definite peace; but Henry naturally would not agree to a lasting settlement on such a basis.[2] Even before that negotiations had been opened for a final settlement with France, a most advantageous measure, that had been prevented by the childishness of the King, who refused to accept accomplished facts.[3] On the 1st of August we have a letter to the Pope thanking him for his good offices in the matter of the peace with France, and informing him that the terms were practically settled.[4] Of the same date we have another letter to Alexander, intimating the dismissal of Rostand and Herlot, explaining the King's position with regard to the Barons, and begging for a mitigation of the terms of the Sicilian grant, failing which the King's subjects might not be disposed to give him any help.[5] On the 9th August the two precious Nuncios received their safe-conducts, and a few days later left England.[6] They were followed by a very outspoken letter signed by twelve of the Fifteen, in which they point out that the Sicilian Crown had been accepted by the King 'not only without their advice and consent, but in defiance of their remonstrances.'[7] Nevertheless, they add that, out of reverence for the Apostolic See, they had told the King that, if he would carry out certain measures of reform, and obtain from the Pope a mitigation of the terms, they might be induced to give effectual help. They then proceed to complain of the action of the de Lusignans, who had seduced 'the lord Edward' into a course of action fraught with grave danger to the State;[8] finally asking that the election of Aylmer to the See of Winchester might be quashed, he being still unconsecrate.[9] The letter might be regarded as amounting to a rejection of the Sicilian Crown. Thus at a stroke all Henry's foreign policy was reversed.

Foreign affairs.

Wales.

France.

Peace settled.

The Sicilian Crown declined.

[1] *Fœdera*, 372, 374, 377.
[2] Paris, V 727.
[3] 8 May; *Fœd.* 371.
[4] *Fœdera*, 376; see also Paris, 713, 720.
[5] *Fœdera*, sup.
[6] Rot. Pat. 42 H. III m. 3; Pauli; Paris, 715.
[7] "Absque nostro consilio et consensu, quinimmo nobis reclamantibus et invitis."
[8] "In regni grave dispendium . . . quasi in necem totius regni."
[9] See the letter undated, but evidently intended as supplementary to the official letter of the 1st August; Ann. Burton, 457; Tewkesbury, 170.

The Barons were not blind to the uncertainty of their position. We are told that they were much disquieted by the refusal of the Bishop of London to fall in with their action.[1] A more serious embarrassment was caused by the announcement that the King of the Romans, tired of Germany, was proposing to return to England. Crowned at Aix-la-Chapelle on the 17th May, 1257, as we have seen, in ten days' time he moved his court to Cologne; advancing up the Rhine by easy stages, he entered Oppenheim in September; ten months later, namely in July, 1258, he received the submission of Worms, a stronghold of the Hohenstaufen interest. From Worms he appears to have advanced without opposition as far as Bâle. He had traversed and received the submission of Rhineland. But by that time his exchequer had run dry; the golden tide that should have borne him to Empire was spent; his mercenary supporters began to fall from him; and for means to keep them on he must look to his native country.[2] He applied for and obtained from his brother leave to tallage his tenants.[3] But a personal visit was soon found necessary.

The King of the Romans coming Home.

At the first word of his coming the Barons hastened to let him know that he must not attempt to set foot in England except on condition of subscribing the Provisions. On the 4th of November a letter was addressed to him in the King's name pressing him to give in his oath.[4] Richard was most reluctant. In January, 1259, it became known that he was at St. Omer on his way to England. On the 13th of the month a Council was held; and the Bishop of Worcester, Peter of Savoy, and John Mansel were sent over to take Richard's oath before, he could be allowed to cross. Long time they reasoned with him: he insisted that as the King's brother and the first Peer of the realm he ought to have been consulted; and, at any rate, he maintained that no oath could be required of him before landing in England. Finally he agreed to take the oath after crossing, if the King should direct him so to do. On the 23rd of January the desired mandate was made out, with a special direction to Richard not to bring any of his half-brothers with him.[5]

He is required to subscribe the Provisions.

Finding that the Barons were not to be trifled with, and that the coast was being guarded against him, Richard gave way. On the

[1] Paris, V 705. Fulk died next year, 20 May, 1259; *Reg. Sacr.*

[2] Paris, Addit. 211 (Wats); Boehmer, Fontes, II 190; and Reg. Imp. 42, 43, cited Pauli.

[3] *Fœdera*, 377. Before that he had ordered timber to be felled; Ann. Dunst. 206.

[4] *R. Letters*, II 132.

[5] Paris, V 732, 733; Wykes, 121; *Fœd.* 380. Wykes gives the Earl of Winchester instead of Peter of Savoy.

He comes over,

28th of January, 1259, he crossed with Queen Senche, a younger son Edmund, two German barons and the modest retinue of fourteen men-at-arms. But even so he was not allowed to enter Dover Castle, but was sent on to Canterbury. Henry was already there waiting to receive him. On the next day the Earl of Gloucester summoned Richard to the Chapter House, and, addressing him significantly as Earl of Cornwall, made him swear that he would be a faithful fellow-helper in carrying out the much needed reform of the realm.[1] On the first of February the two Kings entered London in state; and the citizens, always glad of an opportunity for strengthening their commercial relations with Germany, gave them a hearty welcome.[2]

and takes the Oath.

Throughout the year 1259, in spite of all difficulties, the double work of pacification abroad, and Reform at home, was carried on with very creditable vigour. The three prescribed Parliaments were held, at the appointed times, in February, April, and October; 'the King's Council,' i.e. the Fifteen, sitting along with the Twelve appointed to represent the rest of the Baronage.[3] The Justiciar Bigod held on his round of judicial investigation.[4] De Montfort was the soul of the reforming movement; the people trusted him, and his absence from the Council chamber was always felt.[5] But he had not by any means the entire management of affairs. His connexion with the Royal family may have exposed him to some suspicion. A considerable party, with Gloucester at their head, cared little for the wants of the lesser people, and thought that enough had been done already. When Simon appeared at the February Parliament he found Gloucester so lukewarm that he declared that he would not act with so faint-hearted a worker.[6] He actually retired for a while to France, till brought back through the remonstrances of Hereford and others, who called on Gloucester to fall in with Simon's views.[7] That there was considerable apprehension of the Barons halting in their work may be gathered from the vehement remonstrances of a contemporary ballad, calling on de Clare and others not to flinch from their undertakings.

De Montfort and the Earl of Gloucester.

Popular Misgivings.

"O comes Gloverniæ comple quod cœpisti;
Nisi claudas congrue multos decepisti;
* * * *

[1] "Ad reformandum regnum nimis deformatum"; Paris, V 734, 735; Wykes, 122.

[2] *Liber de Ant.* 41; Wykes.

[3] See Burton, 179; *Fœdera*, 381.

[4] So in Hants, Ann. Winton, 98; in Beds. Dunst. 212, 213.

[5] "De cujus absentia tota condoluerat Anglia"; Paris, 737.

[6] Paris, 737, 744, 745.

[7] Matthew of Westminster, 281 (ed. 1570).

O comes le Bigot pactum serva tuum;
* * * *
O vos magni proceres qui vos obligastis
Observate firmiter illud quod jurastis." [1]

The point, doubtless, on which the people most wanted assurance was that of the concession by the great lords to their under-tenants of the rights claimed by themselves as against the Crown. To meet this demand a proclamation was issued in the King's name on the 28th March informing the country that on the 22nd inst. the King's Council and the Twelve representing Parliament had pledged themselves that by All Saints' Day (1st November) whatever amendments of law in the matter of suits of court, amerciaments, wardship of socage lands, and the like should be granted by the King towards his tenants in chief; the same should also be granted by the Barons towards their 'subjects' (*suygets*); the scope of the inquests by the knights would be extended to wrongs done by lords to their tenants; their stewards to take the same oaths as the sheriffs.[2] This important undertaking "was probably the result of a victory gained by Simon over Gloucester in the Council itself." [3]

The Barons pledge themselves.

Of the Easter session we hear nothing beyond the fact of its meeting.[4] By Michaelmas, however, public impatience at the dilatory action of the Barons had again begun to show itself. We are told that a remonstrance was addressed to Edward, to the Earl of Gloucester and the other members of the Council, in the name of the rising generation,[5] complaining that whereas the King had done his part the Barons had fulfilled none of their promises. Edward answered that, though he had taken the oath at Oxford unwillingly, he intended to stand by it honourably, and that he would face any risk for the sake of the welfare of the realm. With that he called on the Barons to proceed with their measures of reform.[6]

Edward calls for action.

The demand was met by the production of a set of Ordinances of a most liberal and comprehensive character, fully redeeming the Barons' pledges, and known as the Provisions of Westminster, destined to be reenacted at a later day as the Statute of Marlebridge or Marlborough. The Ordinances comprise an Act of Parliament intended as a permanent addition to the Statute Book,

Provisions of Westminster produced.

[1] *Pol. Songs*, Wright, 122, etc. (Camden Society). The ballad is placed later, "but seems to belong to this period"; Stubbs.
[2] *Fœdera*, 381.
[3] Stubbs, *Const. Hist.* II 82.
[4] 27, 28 April; Ann. Tewk. 167; Winton, 98.
[5] "Communitas bacheleriæ Angliæ." See on this *Eng. Hist. Rev.* xvii. 89.
[6] Ann. Burton, 471.

Two Sets of Measures.

and entered on the Close Rolls; with temporary resolutions, like the later Minutes of Privy Council, dealing with matters of administrative detail. The Act is found both in French and Latin; the Minutes only in French. Among the provisions of the Act we have the following. None to

Enactments intended to be permanent.

be required to attend courts of private franchise, but persons specially bound to such suit either by charter, or by usage anterior to the time of the King's first expedition to Normandy (30th April, 1230).

Heirs on coming of age not to be compelled to sue out livery of their land in the lord's court, but to be entitled to recover under the royal writ of *Mort d'Ancestor*.

The wardship of lands in socage tenure to rest with the nearest relations, with impeachment of waste, and under liability to render accounts.

Review of erroneous decisions in all cases to rest with the Crown Courts.

No lord to distrain a tenant for a freehold, or anything concerning a freehold without a Crown writ.

No lord to levy distress outside of his own domain, or on the King's highway.

Men of Religion not to buy land without consent of the capital lord.

Prelates, barons, men of Religion and women not to be required to attend the sheriffs' Turns without special call for their presence.

Men holding land at rent (*firmarii*) not to commit waste unless expressly empowered to do so. These last three provisions, by the way, are the only ones dictated in the interest of the higher lords. Several sections deal with the oppressive practice of "amercing" whole communities on trivial or unreasonable grounds, as for default of attendance *en masse* on a general summons (*communis summonitio*), issued by a mere escheator or coroner; or where a township was subjected to a Murder fine (*Murdrum Murthre*) for a death expressly found accidental. The reader will notice the importance attached to popular attendance at Royal and feudal courts.[1]

The Minutes of Council, as we venture to term them, provide for the publication and enforcement of the new laws; for continuance of

Administrative Directions.

inquests by chosen knights to report grievances and cases of suits left undetermined; the action of the justices and knights to be reinforced by the attendance of a noble baron. There are directions for the appointment of justices and sheriffs, of negotiators to go abroad, of a council of Regency to act

[1] See the Act in Latin, *R. Letters*, II 394, from the Close Roll, 44 H. III; Statutes, I 8; Ann. Burton, 480; in French, Burton, 471–476.

in view of an anticipated journey of the King to France. Instructions are given for the guidance of the Chief Justiciar, Treasurer and other high officials in the discharge of their duties. Throughout we notice a careful assertion of all Crown rights, with finally something like an order for a new Domesday survey.[1] But alongside of this sound legislation we have provisions clearly indicating an intention on the part of the Fifteen of keeping all power in their own hands. Three of their number must be always in attendance on the King, with power in case of emergency to summon a general Council; no baron to come to Parliament unless summoned, nor in arms.[2] Evidently the committee did not want to be interfered with.

Henry of course gave his assent; and, in his presence and that of a great concourse, the Act, as we take it, without the Minutes, was read and proclaimed in Westminster Hall on the 24th October. Boniface and the prelates denounced an excommunication against all who should resist its provisions.[3]

The Kings oath again.

But with all this meek submission on the King's part what of the promised grant? Not a word of it; though a committee had been specially appointed to consider the matter.[4] On the other hand the Minutes contain a rather invidious direction for an inquiry at the Exchequer as to all Tallages levied by the King, and the amount that they came to. The Barons should have remembered that if they were to keep the King in leading strings, they were bound to deal liberally with him in money matters, not to say to keep faith with him.

Meanwhile the great question of peace with France had been definitely settled, Simon clearly taking the leading part in that business. The difficulty throughout had been to induce Henry to renounce the lost provinces. Louis IX, most conscientious of Kings, by all accounts had more than once shown a disposition to make some restitution, if his subjects had been willing. De Montfort had the address to induce the French to agree to considerable territorial cessions, and also to a further grant, one that probably weighed even more with Henry, namely the grant of a sum of money sufficient for the support of 500 men-at-arms in the field for two years. It was expressly stipulated that these men should not be employed for service in England, but 'for the service of God and the Church,' i.e. the war against Manfred, so as to keep the Sicilian affair still going, and ward off the dreaded revocation of the grant. On the 24th February Henry informed his subjects that peace had been sworn with France on the basis of his renunciation of old claims,

Terms of the French Treaty.

[1] Burton, 479.

[2] Id. 476.

[3] *Liber de Ant.* 42. The Provisions were circulated in November, with assurances as to the hearing of complaints by the Justices; *R. Letters*, II 141; Ann. Worcester.

[4] Burton, 450.

in return for certain territorial grants, and the pay for 500 knights.[1] On the 10th March de Montfort and the Earl of Gloucester were directed to name arbiters to settle with the French as to the pay of the knights.[2] On the 16th of the month the King writes to the Cardinals that he cannot give a definite answer about the Sicilian affair till he hears more from France.[3] On the 20th May the treaty was sealed at Westminster by Henry. Louis cedes whatever he may have at his disposition within the three Sees of Limoges, Cahors and Perigeux, i.e. Perigord, most of Querci, and the Limousin,[4] with the reversion of the Agénais, certain other lands in Querci, and Saintonge South of the Charente. These last territories were alleged to have been conquered by Richard I, and given by him to his sister Johane, wife of Raymond VI of Toulouse, and were then held by Louis' brother, Alphonse of Poitou, in right of his wife Johane, daughter and heiress of Raymond VII. With respect to the Agénais, the claim to which was more clear, Louis undertakes to make pecuniary compensation, until the fief should fall in, besides the provision for the 500 men-at-arms. For the territories so ceded, as well as for Gascony and all other his possessions in France (*sic*)—if any—Henry to do 'liege homage,' as 'Peer of France and Duke of Aquitaine,' rendering suitable service, such namely, as was rendered by the Counts of Bigorre and Armagnac.

Cessions by Louis.

In return the King of England, for himself and his heirs, surrenders all manner of claim on Normandy, Anjou, Maine, Touraine, the county and land of Poitiers, and any other part of France: Henry to procure the concurrence in the treaty of his two sons, and that of his sister the Countess of Montfort and her children, and to produce the release by his brother of his rights over Gascony; the treaty to be renewed every ten years.[5]

Surrender by Henry.

For this happy arrangement the two nations had to thank the conscientious spirit of St. Louis, who, for the sake of a lasting peace, made larger concessions than perhaps any other man in his position would have made.

A self-denying King.

It is hard to believe that when the King's sons were willing to surrender their claims,[6] the Countess of Leicester could make diffi-

[1] *Fœdera*, I 380.

[2] *R. Letters*, II 138, and again *Fœd.* 184.

[3] *Fœdera*, 384, and again 386; where the Sicilian matter is expressly stated to be bound up with the French treaty.

[4] But it appears that in fact Louis held very little at his disposition in these three dioceses, and that many of the tenants held in capite of the crown on such terms that their homage could not be alienated; Lavisse, *France*, III 92, note.

[5] See the treaty with ancillary documents, *Fœd.* 383–385. Ratifications were exchanged in October, the treaty being confirmed by the Fifteen on the 13th October, evidently in the Parliament; *Fœd.* 390. See also Lavisse, sup.

[6] 25 July, *Fœdera*, 387.

FRANCE
Reference.
Territory agreed to be ceded to England under the Treaty of 1259. (From A Longnons Atlas Historique)
Scale of Miles.
0 20 40 60 80 100
ENGLAND
ENGLISH CHANNEL
Isle of Wight
Boulogne
Calais
Dunkirk
Lille
Arras
Cambrai
Amiens
Rouen
Havre
Cherbourg
Guernsey
Sark
Jersey
Caen
Bayeux
Lisieux
Evreux
PARIS
Versailles
Fontainebleau
Melun
Troyes
Chartres
Orleans
Montargis
Auxerre
Nevers
Bourges
Moulins
Clermont
Limoges
Perigueux
Bordeaux
Angoulême
Cognac
Saintes
Rochefort
Oleron I.
Niort
Poitiers
La Rochelle
Fontenay
Thouars
Angers
Nantes
Redon
Vannes
Lorient
Quiberon
Belle Ile
Quimper
Brest
St Brieuc
St Malo
Dinan
Dol
Avranches
Granville
Mont St Michel
Tinchebrai
Alençon
Laval
Le Mans
Mayenne
Vitré
Rennes
Fougères
Loudéac
Tours
Blois
Chateauroux
La Châtre
Issoudun
Montluçon
Gien
Cosne
Sancerre
Cholet
Bressuire
Argenton
Civray
Ruffec
Confolens
Angoulême
Cognac
Jarnac
Barbezieux
Libourne
Bergerac
Périgueux
Sarlat
Gourdon
Figeac
Cahors
Villeneuve
Agen
Nerac
Marmande
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Mont de Marsan
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Montpellier
Nismes
Perpignan
St Gaudens
Foix
Mts
PYRENEES
St Affrique
Millau
Rodez
Mende
Le Puy
Issoire
Thiers
Riom
Tulle
Brive
Gourdon
Figeac
Cahors
St Antonin
Montauban
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Mont de Marsan
Bazas
Libourne
Barbezieux
Jarnac
Cognac
Angoulême
Ruffec
Confolens
Civray
Niort
Thouars
Argenton
Issoudun
Bourges
Sancerre
Cosne
Gien
Montargis
Auxerre
Nevers
Moulins
Clermont
Issoire
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Narbonne
Béziers
Agde
Cette
Montpellier
Nismes
Perpignan
St Gaudens
Foix
Mts
PYRENEES

A shrewd Countess.

culties about her shadowy expectations. Yet it would seem that such was the case, and Henry had to give a special indemnity to provide for the contingency of her refusing to sign the treaty.[1] Eleanor was a shrewd woman. Henry had behaved very shabbily to her, withholding the dower to which she was entitled from the estates of her first husband, the Earl of Pembroke. She made her concurrence in the treaty conditional on receiving satisfaction on this point.[2] Eventually on the 4th December, by the direction of her husband, she sealed her full concurrence in the treaty, in consideration of the deposit by Henry of 1,500 marks as a guarantee for the assignment of her dower.[3]

Foreign and domestic affairs having been so far settled Henry could now be allowed to pay the wished for visit to France. The homage to be rendered to Louis, and other questions connected with the treaty, supplied the ostensible purpose of the journey; but the King would doubtless be glad of any excuse to escape for a while from the trammels of the Baronial Committee. On the 5th November he took public leave of the citizens in a crowded 'Folkesmote' held at the Cross of St. Paul's, and once more pledged himself to respect their rights, granting them also a fresh 'statute' relieving suitors from the necessity of employing counsel (*causidicum*) in minor cases. Two days later he left London; and on the 13th of the month sailed from Dover for Witsand with the Queen, Edmund, Gloucester, Boniface, and a number of bishops. Hugh Bigod as Justiciar at once assumed the functions of ex officio Regent.[4]

Royal visit to Paris.

On the 26th November Henry entered Paris; his reception, we are told, was no less cordial than on the first occasion.[5] On the 4th December he did homage, and the great treaty thus received its final ratification.[6]

Homage rendered.

At home in honourable compliance with the compact the Great Seal had already been changed, the style of "*Dux Normannie*" being dropped, but that of "*Dux Aquitanie*" being retained.[7]

Style altered.

[1] *Fœdera*, 385.

[2] See the letter of Philip III to Edward I, dated in 1273; Green, *Princesses*, II 456.

[3] *Fœdera*, 392. I regard Wykes' allegation that de Montfort obstructed the treaty as mere evidence of the writer's hostility to the Earl.

[4] *Liber de Ant.* 42, 43; Household Accounts, 44 Henry III.

[5] Household Accounts; G. de Nangis, Bouquet, XX 410.

[6] M. S. O'Callaghan, cited Blaauw, *Barons' War*, 89; where the names of Henry's attendants are given. The homage was rendered on the day on which Eleanor gave in her acceptance of the treaty. See also *Fœd.* 392. For the treaty Mr. Tout calls attention to the *Étude sur le traité de Paris de* 1259 of M. Gavrilovich, *Pol. Hist.* III 106.

[7] *Liber de Ant.* 43; Ann. Burton, 487.

APPENDIX TO CHAPTER XI

PROCLAMATION BY HENRY III ENJOINING SUBMISSION TO THE ORDERS OF THE COMMITTEE OF BARONS APPOINTED IN THE OXFORD PARLIAMENT OF 1258.

Henr' thurgh Godes fultume king on Engleneloande, lhoaverd on Yrlond Duk on Norm, on Aquitain' and eorl on Aniou send igretinge to alle hise holde ilœrde and ileawede on Huntendon' s'ir' thœt witen ghe wel alle thæt we willen and unnen thæt thæt ure rædesmen alle, other the moare dæl of heom, thœt beoth ichosen thurgh us and thurgh thæt loandes folk on ure kuner.che habbeth idon and schullen don, in the worthnesse of Gode and on ure treowthe for the freme (*good*) of the loande thurgh the besighte (*ordinances*) of than toforeniseide redesmen, beo stedefeast and ilestinde in alle thinge abuten ænde. And we hoaten (*bid*) all ure treowe in the treowthe thæt heo us ogen (*owe*) thæt heo stedefæstliche healden and swerien to healden and to werien (*defend*) tho isetnesses (*regulations*) thæt beon imakede and beon to makien thurgh than toforeniseide rœdesmen other thurgh the moare dœl of heom alswo alse hit is biforen iseid ; and thæt ælic (*ilk, each*) other helpe thæt for to done bi than ilche othe aghenes all men right for to done and to foangen (*receive*). And noan ne nime (*take*) of loande ne of eghte (*goods*) whertlurgh this besighte mughe beon ilet other iwersed on onie wise. And gif oni other onie comen her onghenes we willen and hoaten thæt alle ure treowe heom healden deadlice ifoan. And for thæt we willen thæt this beo stedefæst and lestinde we senden gheu this writ open iseined (*signed*) with ure seel, to halden a manges ghew ine hord (*hoard, treasury*). Witnesse us selven æt Lunden' thane eghtetenthe day on the monthe of Octobr' in the tow and fowertighthe gheare of ure cruninge. And this wes idon ætforen ure isworene redesmen. Bonefac' Archebischop on Kant'bur'. (*The names of the other Fifteen follow. Select Charters*, 387, and *Fœdera*, I 378.)

Mr. Kington Oliphant, *Middle English*, denies that the language of the proclamation is genuine vernacular of the time, regarding it a make up by French-speaking clerks.

CHAPTER XII

HENRY III (*continued*)

A.D. 1260–1262.

The King's return to England—Contentions with the Barons—Fruitless attempts at arbitration—The Provisions of Oxford condemned by Alexander IV; and again by Urban IV—War in Wales.

HENRY staid four weeks in Paris, and four more at Saint Denis and other places in the neighbourhood,[1] during which time he managed to find a home for his second daughter, and renew an old alliance, by marrying the Lady Beatrice to John, son of John I, Duke of Britanny, the latter being son of Peter Mauclerc of Dreux, the man who had ruled the Duchy so long, first in right of his wife, and then in the name of his son. The match had been mooted a year before; but had been delayed by a demand on the part of the Bretons for a regrant of the Earldom of Richmond, a dignity held by previous rulers of Brittany. But the Earldom had been conferred on Peter of Savoy, and Henry could only promise to give it if and when Peter might be disposed to resign it. Eventually the Bretons were induced to accept of an interim pension of 1,000 marks a year out of the "ferme" paid by Louis for the Agénais. On the 22nd January, 1260, the young couple, aged respectively twenty-two and seventeen, were happily married at Saint Denys. The King and Queen of France were present. They had not only not obstructed, but even we are told, actively promoted a union that most French politicians would have viewed with great jealousy.[2]

Matrimonial alliance with Brittany.

Three days later Henry left Saint Denys, moving through Compiègne, Peronne and Arras to Saint Omer, which place he reached on the 15th February. He had not at all given up the Sicilian affair, putting his trust in Louis' promised men-at-arms. But the arbitration for fixing the amount to be

The King's movements.

[1] Household Expenses, 44 Henry III (Exchequer Accounts, Bundle 349, No. 27).

[2] See *Fœdera*, I 386, 391, 392; *R. Letters*, II 148; and Green, *Princesses*, II 236; De Nangis, sup. 412.

paid by Louis made no progress; and Henry hesitated to leave France till he had got this and other details connected with the treaty settled.[1] At home the Barons were pressing for his return. They were beginning to realize the difficulty of getting on without a King.[2] For one thing, he very properly forbad them to hold a Parliament without him,[3] as a clear infringement of his prerogative. The Provisions of Oxford required Parliaments to be held at stated times; that in itself did not warrant their being held without the intervention of the King.

But the prospect all round was "beginning to darken." In England we hear of hot feuds between the partizans of Edward and those of Gloucester.[4] The Earl had an old grudge against Edward, to whom the King had given Gilbert's castle at Bristol;[5] and Gilbert, as we have seen, was by no means at one with de Montfort in regard to the Provisions; possibly they also differed as to the treaty. Henry of course hated and feared Simon above all men,[6] and so we hear of three several antagonisms, namely, one between the King and de Montfort; another between Edward and Gloucester, and the third between Gloucester and de Montfort;[7] the three animosities eventuating in the combination of the King and Gloucester as against Edward and de Montfort. Gloucester and the King had probably come to an understanding during their stay together abroad, and to Gloucester's influence may be attributed the poisoning of the King's mind against his son, of which we now hear. Henry lent a too ready ear to reports that de Montfort and Edward were proposing to dethrone him; and he declared himself afraid to come over till he received the most positive assurances from his son, the King of the Romans, and all the leaders of the nation.[8] On the eve of crossing he writes to his brother to guard the Cornish coast, and to Louis begging him not to allow of the transmission of hostile forces through Britanny to England; he taxes de Montfort with having imported chargers and arms.[9] As if to make his position absolutely ridiculous he affects to be afraid of an attack by his half

Clouds gathering.

Henry, Edward, Gloucester and de Montfort.

[1] *Fœdera*, 394, Henry to the French Queen. *R. Letters*, II 147–149;
[2] Id. 153, 155; *Fœd.* 395.
[3] *R. Letters*, sup.
[4] Ann. Tewkesbury, 168; wrongly given under 1261. See also Ann. London, 54.
[5] Stubbs, *Const. Hist.* II 85.
[6] See Paris, V 706.
[7] Matt. West. II 447.
[8] Dunstable, 214; Wykes, 123; M. Westm. II 446. Edward had come home in March, bringing William of Valence with him; Gervase, Cont. II 213; West. 474.
[9] *Fœdera*, I 396.

brothers, the Lusignans. These professions of alarm were probably intended to cover the importation of men that Henry himself was meditating. He had gathered a considerable force, but was induced to cut it down to 300 men-at-arms.[1] At St. Omer he staid over Easter, and, in fact, on till the 16th April, when he moved to Boulogne; on the 24th or 25th of the month he crossed to Dover.[2] On the 30th April he advanced from Dartford to London. Halting at Southwark, he found the city in a ferment of excitement and alarm; the walls manned, the gates closed. The Barons had proposed, in spite of Henry's prohibition, to hold a Parliament at the Temple.[3] For the sittings they would naturally take up their quarters in the City. Edward proposed to find lodgings with the canons of St. Paul's, while Gloucester's men prepared to occupy Cornhill.[4] But the feud between the two had become so hot that the King of the Romans, the Justiciar Bigod, and Philip Basset had persuaded the Mayor and Aldermen, as a measure of precaution, to admit neither party within their walls, and so Edward had to retire to Clerkenwell, and Gloucester to Southwark. Henry, of course, was admitted at once, but he had to leave his soldiery on the other side of the river.[5] For a fortnight and more the King remained at the Bishop of London's Palace, as if compelled to adopt a defensive attitude; while Parliament was summoned to meet at St. Paul's. The Earl of Gloucester and John Mansel were the first men admitted to see the King. Edward was kept at a distance for a while, and was not restored to favour without difficulty. The King then attacked de Montfort, preferring a variety of charges against him, connected some with foreign affairs, some with domestic affairs. Simon made a vigorous defence, repelling the King's attacks, and bringing counter-complaints against him. Henry was obliged to allow the questions between them to be referred to arbitration, and the arbiter eventually agreed upon was King Louis.[6] Then Gloucester produced grievances of his own against de Montfort, but these had to stand over to the next session. The Parliament was then dismissed; the King returned to Westminster (16th May), and seeming peace was restored.[7]

Return to England.

Parliament at St. Paul's.

[1] M. West. sup.; 200 men, Ann. London.
[2] Household Accounts, sup.
[3] Ann. Winton. 99.
[4] Ann. London, sup.
[5] *Liber de Ant.* 44, 45; Dunstable, 214, 215; Ann. London, 55.
[6] See *R. Letters*, II 168, and Household Accounts, sup. Failing Louis' acceptance of the arbitration it was to be referred to Queen Margaret and Peter the Chamberlain of France. Edward and Gloucester did not make friends till June; Ann. London, sup.
[7] *Liber de Ant.* and Dunst. sup.; Matt. Westm. 447–449.

In conformity with the Oxford Provisions a Parliament was called to meet at Westminster on the 8th July The session was cut short by a call to arms against Llewelyn. The truce established in June, 1258, had been extended to the 1st August, 1260, but, as usual, frequent meetings had been arranged to meet complaints on either side.[1] In particular we have a formal complaint laid before Llewelyn by one of his officers that although the truce had been strictly observed by his men towards Mortimer, Roger's followers had plundered and illtreated a party of Welsh traders at the fair of Leominster.[2] It was probably to avenge this wrong that the Prince took advantage of Mortimer's attendance in Parliament to seize Builth Castle, the fort having been committed to Roger by Edward.[3] A general muster was called to meet at Shrewsbury on the 8th September. But under the circumstances of the time a turn-out in arms might have ended in civil war. Concurrently with the issue of the writs for service in the field, the spiritual arm, that had been found so effectual in dealing with the former Llewelyn, was brought to bear on his grandson. Archbishop Boniface ordered an excommunication to be denounced against the Prince unless he came to terms by the 22nd August. Llewelyn bowed to the monition of the Church, and signed a truce to the 1st August, 1261, all parties to be replaced in the positions that they occupied when the Oxford truce of 1258 was signed.[4]

Outbreak in Wales.

quelled by the Clergy.

In the October Parliament we find the Barons still able to remodel the Ministry at their pleasure. The three great posts were all vacant, the Chief Justiciarship and the Keepership of the Seal having fallen in through the respective resignations of Hugh Bigod and Henry of Wingham, and the Treasury through the death of John Crakehall,[5] the man who had succeeded Lovel in 1258. Wingham had become Bishop of London in succession to Fulk Basset.[6] He was not a Baron's man; he had been originally appointed by the King, but had been kept on by the Barons. Probably he was glad of an excuse for retiring. Bigod also was presumably dissatisfied with the course that affairs were taking, as later he will be found on the King's side.[7] His retirement was a distinct loss to the Barons. Hugh le Despenser, a strong partizan, was appointed to succeed him. Before the King's return he had been in charge of the Tower, but had been promptly

Parliament.

New Ministers.

[1] *Fœdera*, I 387, 394.
[2] *R. Letters*, II 156.
[3] *Fœdera*, 398; Ann. Camb. and Brut.
[4] *Fœdera*, 400, 404.
[5] 10 Sept., 1260; M. West. II 455, 457.
[6] Consecrated 15 February, 1260; *Reg. Sacr.*
[7] See *Fœd.* 417, 426.

turned out by Henry. John of Caux, Abbot of Peterborough, became Keeper of the Seal, and Nicholas, Archdeacon of Ely, Treasurer.[1]

Court Festivities.

The session was enlivened by festivities for the knighting of the King's new son-in-law, John of Brittany, who had followed Henry to England with his bride; and here Leicester was able to make a graceful concession by allowing Henry of Alemagne, or Allmaine, the names are used indifferently, Richard's son, to perform the office of High Steward as his Deputy.[2] In return Edward opened the ceremonies by knighting his two cousins, Henry and Simon, Leicester's sons. The dubbing of John by the King followed, with that of some eighty other noble youths, a store of personal partizans secured for the future.[3] Immediately afterwards Edward, who still held the office of Viceroy of Gascony, was sent out to resume the duties of his post.[4] With him went a picked band of the newly knighted youths to win their spurs in trials of strength with the French.[5] A weakness for tilts and tournaments will be found a characteristic of Edward throughout his life.

At home the situation kept daily growing less hopeful. In July Henry had received from Louis £14,580 6*s.* 8*d.* *Tournois* (£3,665 sterling) on account of the pay for the 500 men-at-arms;[6] besides 5,000 marks to discharge a debt due to Richard.[7] With this money in hand, and the Barons' party evidently losing ground, the King thought that the time for shaking off the yoke of the Provisions had come.[8] In the course of the winter he had the Tower strengthened and fitted up for his residence.[9] Early in February, 1261, he took up his quarters there. On the 13th of the month he summoned a Folkesmote to meet at St. Paul's Cross, and, coming forward accompanied by the King of the Romans, Archbishop Boniface and John Mansel, issued an order requiring all citizens over twelve years of age to take oaths of allegiance to him. At the same time he directed watch to be set at the City gates, as if apprehensive of some movement from without.[10] In consequence of his attitude the February Parliament came to nothing, the King requiring the Barons to hold the Session in the Tower, and they declining to trust themselves within its walls.[11] On

[1] Foss, II 144, 241, 285; M. West. sup.
[2] *Fœdera*, I 402.
[3] West. 456.
[4] *Fœdera*, I 401; *R. Letters*, II 158, 161.
[5] M. Westm. sup.; Dunstable, 216.
[6] *Fœdera*, 398. Henry was sending jewels to Paris, nominally under pawn to his brother; but more likely for safe keeping; *Fœd.* 397, 410.
[7] Id. and R. Pat. 44 H. III m. 3; Pauli.
[8] Gervase, Continuation, II 210; Westm. 464.
[9] Dunstable, 217; West.
[10] *Liber de Ant.* 46; Westm.
[11] Dunst. sup.

the 14th March sinister rumours obliged Henry to order the sheriffs to arrest all persons spreading reports that he was about to impose unprecedented tallages and illegal dues (*consuetudines indebitas*).[1] A week later, as if to proclaim his contempt for his subjects' wishes, he addresses foolish letters to the Sicilians, written in Edmund's name, demanding their allegiance, and announcing the despatch of envoys to make arrangements for his reception.[2] Advancing step by step, in May Henry turned Hugh Bigod out of Dover Castle, a necessary preliminary towards the introduction of mercenaries.[3] In natural sequence on the dismissal of Bigod, we have directions to the men of the Cinque Ports to guard against an apprehended importation of armed men by the Earl of Leicester, the King again apparently attributing to his adversary the course he himself was preparing to adopt.[4] Yet all the time he was begging Louis and Margaret to accept of the arbitration between himself and Simon.[5]

The Sicilian Crown not dropped.

But the desired dispensation had now come to hand, as well as some armed men under Guy III, Count of Saint Pol.[6] Henry called for a Parliament. As the Barons would not come to the Tower he summoned them to meet at Winchester on the 12th June.[7] When the lieges were assembled he presented them with three Bulls, dated respectively 13th and 29th April, and 9th May. By the first Alexander IV absolved the King from his oath to the Provisions of Oxford, 'saving any Articles that might be for the good of the Church'; by the second he relieved the clergy, barons, and all others of the corresponding obligations. The reasons given were that with respect to the King and some others their oaths had been extorted under pressure, while, generally, the Pope laid it down that oaths could only be binding so far as consistent with faith and truth (*fides et veritas*), not as 'sanctions to depravity and disloyalty' (*pravitatis et perfidiæ firmamentum*). The third Bull required all the English to render due obedience to their King under pain of excommunication and Interdict.[8]

Mercenaries imported.

Papal Bulls to hand.

Provisions of Oxford quashed.

[1] *Fœdera*, 405.

[2] *Fœd.* sup.

[3] Wykes, 127. See M. West. II 434, 467. Henry was at Dover 4 May; Fine Rolls.

[4] *Fœdera*, 406; 18 May.

[5] *R. Letters*, II 168, 170, 171, 173–175. March–May. Again *Fœdera*, 407; 20 July.

[6] West. II 460, 472. 80 men-at-arms, and as many cross-bowmen.

[7] Wykes, 128. Henry, who, except for his visit to Dover had been at the Tower apparently since the beginning of February, was at Winchester from the 8th to the 17th June, when he signs at Guildford on his way back to London.

[8] *Fœdera*, 405, 406.

In condemning the Provisions of Oxford Alexander IV simply evinced the horror of constitutional liberty and national feeling habitual to the Papacy. That his Bulls did not strengthen the King's position seems certain. Neither Edward [1] nor Henry of Allmaine would take advantage of them. "The attitude of the national Church was, as might have been anticipated, in striking contrast to that of Rome. At the very time when the Bulls were on their way to England the English Bishops were assembling and issuing their excommunications against those who presumed to disobey the Provisions of Oxford." [2]

Attitude of National Church.

Restored, however, as he doubtless considered himself, to the plenitude of power, the King went boldly to work. Returning to his stronghold in the Tower, on the 5th July he dismissed Despenser and Nicholas of Ely, appointing Philip Basset to be Justiciar, and Walter of Merton to be Chancellor.[3] Four days later sixteen sheriffs controlling twenty-three counties, mostly men appointed in the previous autumn, were turned out of office, to make place for other men more acceptable to himself,[4] while the Constables of Castles appointed by the Barons were likewise invited to surrender their posts.[5]

Sweeping Dismissal of Baronial officials.

These sweeping measures, involving the whole administration of the country from top to bottom, provoked vehement resistance. Hugh Bigod, when summoned by Archbishop Boniface to surrender Scarborough and Pikering, answered that he held them under the joint orders of the King and Magnates, and that without the like authority he would not resign them.[6] But the fiercest opposition was shown to the changes in the sheriffdoms, as affecting the greatest number of persons. We are told that a general spirit of resistance was shown to the King's sheriffs or 'vice lords' as the people called them.[7] To meet the general dissatisfaction Henry issued a proclamation in which, after referring to the

Opposition provoked.

[1] Edward hurried home from his tournaments on hearing of the Bulls. He brought with him William of Valence, who was not allowed to land till he had taken the oath to the Provisions; Rishanger, Chron. 8.

[2] Shirley, *R. Letters*, II xi; M. Westm. II 468. For the Canons passed in the Provincial Synod held by Boniface on the 13th May, and finally published 8 June, see Wilkins, Conc. I 743–746. The Canons are remarkable for their bold rejection of all lay jurisdiction over clergy, even in Forest cases. "Libertas ecclesiastica confunditur cum clericus a laico judicatur." Edward appeared to protest in the name of the King; Gervase, Cont. II 212; *R. Letters*, II 191.

[3] Foss, II 144, 154, 219; "Contra assensum baronum." *Liber de Ant.* 45; Wykes, 129.

[4] *List of Sheriffs.* Four more sheriffs holding six counties were dismissed later.

[5] M. West. II 471.

[6] *Fœd.* 408, 409.

[7] "Vice dominos"; M. West. II 473; also Dunst. 217.

peace and prosperity enjoyed by the nation during the forty-five years of his rule, he proceeds to repel the charge that he is intending to trample on his subjects' rights, or to oppress them with illegal taxation, or to introduce mercenaries; the few men who came with him in the previous year had been brought over to meet apprehended disturbances among the Barons. The King then proceeds to deal with the question of the resumption of the castles and sheriffdoms, insisting ingeniously that the sheriffs had been changed in the interests of the general community, for their protection from the Magnates, under whose exactions they had groaned.[1] For that very reason he had appointed men of higher class, who could offer more effectual protection against wrong-doers.[2]

The King explains.

In this connexion we must recognize the fact that the King's list of sheriffs did include more men of position than the Barons' list did. Among Henry's men we have a Percy, two Balliols, John and Eustace, with such names as Lovel, Musgrave, fitz Peter, Montalt, de Grey, Marmion, de la Zouche, James of Audley, Ralph Russel, the Earl of Warwick (who refused to act), and Philip Basset, the last appointed to rule four several counties.[3] Henry evidently could now call on the support of a considerable party.

The Royalist Party.

The King having ventured to appeal to the people, the Barons replied by a "bold and memorable measure," following the precedent set in 1259. They called for three knights from every shire to meet them at St. Albans on the 21st September. The writs were issued under the joint seals of Leicester, Gloucester, and Walter Cantilupe, "names which show that the whole Baronial party was once more united." Henry issued a counter-summons, forbidding the meeting at St. Albans, and requiring the knights instead to come to him at Windsor.[4] There is no evidence that any assembly met at either place: but we hear of 'Wardens of the Counties' (*custodes*) being set up by the Barons in opposition to the King's sheriffs; and we have a proclamation by him against such proceedings, dated 18th October.[5] About the same time we hear again of foreign mercenaries;[6] while on the 28th of the month Henry issued safe-conducts for the Barons to meet him next day at Kingston, to arrange

Counter-call for Knights of the Shire.

Parties at Arm's Length.

[1] "Servitutes et oppressiones."

[2] 16 August; *Fœd.* 467; evidently referred to by Westm. II 473.

[3] *List of Sheriffs.*

[4] 11 Sept.; *R. Letters* II, Shirley, xi, 179.

[5] *Liber de Ant.* 49; *R. Letters*, 192.

[6] *R. Letters*, II 193, Richard writing to the King to make sure of a safe place of landing, 23 October. The men were at Witsand with pay in hand. Rot. Claus. 46 H. III m. 19; 28 Oct. Pauli.

for a 'pacification,' the parties thus being confessedly all but at war.[1] In fact, we are told that the Barons had taken the precaution of coming well armed, so that Henry kept to the Tower.[2] Negotiations, however, were carried on through intermediaries, and on the 21st November a certain compromise was patched up.[3] The text of the *Mise*, as it was called, unfortunately, is not forthcoming, but in the main it was evidently based on arbitration, the only possible expedient where the principals themselves cannot come to an agreement. The question of the sheriffs was the first and most pressing point at issue. Were the King's sheriffs or the Barons' sheriffs to rule the country? It was arranged that, for the ensuing year, four knights from each county should be sent up to Westminster in January, of whom the King should choose one.[4] For future appointments the mode of selection would be determined by arbiters, three from each side, with the King of the Romans as umpire.[5] We also seem to hear of another and a wider arbitration, to be determined by Whitsuntide, with different arbiters, and King Louis introduced as umpire, failing Richard.[6] But we are told that de Montfort and others refused to accept arrangements that plainly left the casting vote with the King, while Simon himself actually retired to France.[7] Nevertheless, on the 7th December Henry issued a proclamation boldly announcing that the contentions between him and certain Barons, concerning certain covenants regarding certain Ordinancss passed at Oxford and Westminster, had been settled by common accord; at the same time granting full and free amnesty to all who should come in and sign the accord within fifteen days of being required so to do. A list of fourteen persons specially invited to sign is appended, and it includes the names of the Earls of Norfolk, Leicester and Surrey, Mortimer, Despenser and Bardolf.[8]

A Compromise

A fortnight later it was found necessary to address a renewed invitation to each of these men in person.[9] The King and the Barons were as much at issue as ever, but again "the storm passed over without bloodshed." On the question of the sheriffs the King gained the day. Six of the men brought

that settled Nothing.

[1] *R. Letters*, II 194.
[2] M. Westm. II 474; Wykes, 129.
[3] Ann. Osney, 128.
[4] *R. Letters*, II 198. Apparently Henry left the choice of the men to be appointed sheriffs to his brother, and he again delegated the task to one of his own followers.
[5] *Fœdera*, I 415.
[6] Osney, sup. and *Fœd.* 412.
[7] Id. and Wykes, 129.
[8] *Fœdera*, I 411.
[9] *R. Letters*, II 196.

in by him in July appear to have been superseded, the others remaining in office.[1] With respect to the future the arbiters named by Henry proposed that he should have the sole right of appointment as of yore. The Barons' arbiters insisted that for ten years he should be required to consult his Council (the Fifteen ?). The question thus fell to King Richard, and he, as might have been expected, decided in favour of the absolute right of the Crown to appoint the sheriffs at pleasure.[2]

The King gaining ground.

In December Henry had received a further sum of £10,416 13*s.* 4*d.* *Tournois* (£2,604 3*s.* 4*d.* sterling) from Louis, a useful subsidy. But he was hampered by the fact that Alexander had died a few days after granting the dispensing Bulls, and that it was still uncertain whether his successor, Urban IV, would or would not carry out his policy with regard either to the Provisions, or the grant of the Sicilian Crown.[3] Henry had lost no time in making private application to the new Pontiff for the desired grants. But for a considerable time Urban hesitated. We might give him credit for some scruples of his own ; but he also found himself in difficulty, not only between avowed agents of the Barons, in open opposition to those of the King, but also between two sets of professed agents of the King, with diametrically opposite instructions.[4] Under these circumstances Henry had to commit himself to an official application to the Pope for a release from his oath ; he points out that Alexander's early death had prevented full use being made of his letters, and he accounts for the contradictory petitions preferred in his name by the fact that till lately the Great Seal had not been under his control.[5] The hostile applications were simply those of the Barons acting in his name. On the 2nd May Henry was able to proclaim to the counties that he had again been relieved of his oath, and that the Provisions of Oxford, and all the acts and confederacies (*colligationes*) of the Barons had been cancelled by the new Pontiff. He was careful to add that in the plenitude of his power he would mete out equal justice to all, and specially that he would fully respect the two great Charters.[6]

A New Pope.

The Provisions again condemned.

[1] *List of Sheriffs.*

[2] *Fœd.* 415 ; January, 1262.

[3] Alexander IV died on the 25th May (1261). After three months of "jealous dispute" among the Cardinals, the Patriarch of Jerusalem appeared, and was chosen by acclamation (29 August) under the style of Urban IV. The Patriarch was a Frenchman, Jacques Pantalon by name, and son of a poor cobbler of Troyes ; *R. Letters*, II 188 ; Milman, V 53 ; H. Nicolas.

[4] See the report of the King's Proctor, John of Hemingford, *R. Letters*, II 188, 190. September, 1261.

[5] 1 January, 1262 ; *Fœdera*, 414.

[6] *Fœdera*, I 419. Urban had contented himself with simply confirming Alexander's letters without any addition of his own. The Bull is dated 24

The renewed condemnation of the Provisions augured ill for the result of the Whitsuntide arbitration (28th May, Whitsunday); de Montfort and his friends still would have nothing to say to it, and so again the settlement claimed by the King's friends as a pacification settled nothing.[1] With respect to these arbitrations, the failure whereof has been thought mysterious, we must point out that the position of the Barons responsible for the Provisions, was now a very delicate one. With all their acts condemned by the Pope, as wicked inroads on the King's authority, they were open one and all to be impeached for High Treason. They had therefore now their lives and property as well as constitutional principles to defend. We take it that the words 'pacification' and 'peace' should be taken in a pretty literal sense, and in connexion with the *colligationes* or confederacies also denounced; and that, in a word, the submission to arbitration required of the Barons meant an undertaking by them to break up their defensive league, throw away their swords, and leave the King absolute master of the field. A certain control of the King's Ministry would be the *minimum* guarantee that they could accept; and that security the arbitrations offered by the King would never have given them.

Position of the Barons.

Henry, becoming alarmed at the influence that Leicester seemed to be gaining over Louis in France, resolved to try the effect of his own presence. On the 23rd April he writes to offer a visit; on the 24th June he asks for quarters at Saint Maur-les-Fossés, 'near to Vincennes where Louis would be.'[2] On the 12th July he sailed from Dover[3] with the Queen; Philip Basset, the Justiciar, being left at home to govern as *ex officio* Regent.

Royal visit to France.

Henry's plans were frustrated by sickness. He was shortly attacked by a quartan fever, and incapacitated for business. On the 30th September he writes to his brother to say that he is, at last, out of bed.[4] Simon de Montfort, taking advantage of Henry's absence, ran over to England in October, attended a Parliament held by the Justiciar, and in spite of him, produced Papal letters that he could represent as amounting to a confirmation of the Provisions.[5]

The King ill.

February; but apparently owing to the opposition of the Barons it had not yet been published at Rome on the 12th May; Hemingford, the King's Proctor, had obtained a copy of the Bull before it was sealed, sent it to England, and on this Henry acted. See *R. Letters*, II 208. "Another Bull of release dated at Orvieto, August 23, 1263, is in the Bodleian, MS. 91"; Stubbs.

[1] Osney, 130; Wykes, 131; Gervase, Cont. II 214.

[2] *Fœd.* I 418, 420.

[3] Fine Rolls.

[4] *Fœdera*, 421.

[5] Gervase, Cont. II 217; *Fœdera*, 422. For the efforts of the Barons at Rome, see *R. Letters*, II 190, 209. So far, however, from being disposed to confirm the Provisions, Urban was refraining from confirming the decrees of the Lambeth Council, because it was objected to by Henry; *Fœd.* 424.

Later we hear of a proposed pilgrimage by Henry to distant shrines in Burgundy, a plan much resisted by his friends. The King got as far as Reims, but no further. Finally on the 20th December he landed at Dover still in weak health.[1] He himself had escaped; but mortality had been rife among his followers, among those who died being Baldwin of Redvers IV, Earl of Devon, and Ingelram of Percy.[2]

Henry found the country in a state of alarm at the prospect of a war with Wales, the Welsh March being reported as in a state of unprecedented confusion, men selling off their stock, and leaving their homes.[3] The truce for a year concluded with Llewelyn in the summer of 1260[4] must have been prolonged. But in August (1262) we have directions for a meeting to discuss complaints by Llewelyn of attacks by Roger Mortimer and John l'Estrange on Gruffudd of Bromfield[5] (South Shropshire). This man, a follower of Llewelyn, but married to a sister of the English Baron James of Audley, had already either as victim or aggressor been the cause of trouble on the March.[6] We next hear of a bold descent by the Southern Chieftains Maredudd son of Rhys the Hoarse, Rhys Vychan, and Maredudd son of Owain, on Edward's possessions in Gwent. For two days the raiders were held at bay at the fords of the Usk by Peter of Montfort, when their final discomfiture was effected by a flanking attack delivered by de Grey, Mortimer, and Fitz Peter, who crossed the Usk higher up, near Abergavenny.[7] This reverse brought Llewelyn into the field. He proceeded to capture and dismantle Cefnllys and Bleddva, forts on the East and West borders of modern Radnorshire, recently built by Mortimer. Roger having ventured to reoccupy Cefnllys was promptly besieged there by the Welsh Prince, and the first thing that Henry had to do on landing was to send off men to relieve Cefnllys. From this it may be gathered that Mortimer now stood with the King. But the matter had been already settled, Roger being allowed to march out on condition of surrendering Builth. Other places in the district also fell into the hands of the Welsh during December.[8] Throughout these affairs we may point out that as yet no co-operation between the Prince and the malcontent Barons can be traced. On

Welsh War.

Forts captured by Llewelyn.

[1] *Fœdera*, 421, 422, 423.

[2] Dunst. 420. The writer gives the number of deaths among the *suite* as sixty.

[3] See the report of the Bishop of Hereford, *Fœd.* 423; and that of Peter of Montfort, *R. Letters*, II 230.

[4] *Fœdera*, 404.

[5] *Fœdera*, 539; Paris, *Chr. Maj.* V 597–646.

[6] *R. Letters*, II 214–219; *Fœdera*, 421.

[7] See de Montfort's report, *R. Letters*, II 219; 2 October.

[8] See *Brut*, 349; Ann. Camb. 103; *R. Letters*, II 227–233.

the other hand community of interest, and the necessity of making head against the Welsh led the March lords to rally round Edward.

A considerable loss to the King's cause was entailed by the death of Richard, Earl of Gloucester (15th July).[1] His son Gilbert, a youth of nineteen, "threw himself into the arms" of de Montfort, who thus acquired entire control of the Baronial party. "Fervent, eloquent and devoted," Simon had won the sympathy of all that was best in the nation.[2]

Ascendancy of de Montfort.

"Il est apelé de Monfort,
Il est le mond [3] et si est fort,
Si ad grant chevalerie;
Ce voir, et je m'acort [4]
Il eime dreit, et het le tort,
Si avera la mestrie." [5]

The younger nobility were all with him,[6] and so also was the University of Oxford.[7] Even Edward hesitated to side with his father. Their relations had never been cordial since Henry's return to England in 1260. Sent out to Gascony in the autumn of that year, the young man had come home in February, 1262, to be greatly annoyed by his father's repudiation of the Provisions, and we hear that in consequence he kept aloof from court.[8] Writing from Bristol on the 31st March he says sarcastically that as he did not wish the words of his mouth to be held vain utterances, he would certainly keep his promise, and be with his father at Easter.[9] When the King and Queen went abroad in July neither of their sons went with them, though both afterwards went over independently.[10] So again Edward is found staying on in Paris after his Royal parents had gone home.

[1] Fine Rolls, II 378. He died at Eschemerfeld manor, near Canterbury, so that probably he had attended the King to the coast on his way abroad; Gervase, Cont. II 215. Hereford was given the wardship of his estates; Doyle.

[2] Shirley.

[3] 'The pure one'; Lat. "mundus."

[4] 'This is true, and I agree.'

[5] Wright, *Pol. Songs*; 61. The ballad must have been written in the summer of 1263, as Roger Clifford and Roger Leyburne are still named as on the Barons' side.

[6] See Wykes, 133, 134, who scoffs at Simon's followers as boys, "vere pueros." On the other hand Rishanger calls him "clavis Angliæ," while the Scottish Melrose Chronicle is devoted to him.

[7] Osney, 141.

[8] Gervase, Cont. II 213; M. West. II 474; Rishanger, Chron. 9.

[9] "Minime volens redargui ut ea quæ processerint de labiis meis irrita reputarentur," etc., *Fœdera*, I 417.

[10] Nov.; Gervase, sup.

CHAPTER XIII

HENRY III (*continued*)

A.D. 1263–1264.

Outbreak of Barons' War—de Montfort attacks the King's followers—Enters London—Submission of the King and his son—Provisions of Oxford re-enacted—Reference to Arbitration of Louis IX—His award rejected by the Barons—Renewal of War Campaign and Battle of Lewes—"Mise" of Lewes.

HENRY'S position at the opening of the year 1263 was a very strange one. With Ministers and sheriffs of his own choice he seemed in full possession of the reins of government; yet he was really helpless in the face of the Baronial opposition, and the general discontent of the country. John, under similar circumstances, would have taken the initiative, attacking all refractory subjects with the sword, as he did in 1215. But his son was not a man of blood. Trickery and chicane were the only weapons at his command, and so we now hear that, becoming conscious of his want of support in the country, he circulated a proclamation, freely confirming the Provisions;[1] a pretence that deceived nobody. He still clung to the hope of an accord with Simon, to be effected through Louis. On the 13th February his envoys in Paris received from the French King Simon's final answer to Henry's overtures. 'The Earl did not doubt the King's good intentions, but said that there were men around him who made peace impossible.'[2] On the same day Louis himself writes to inform Henry, with much regret, that for the time he can find no way of peace.[3]

The King's position.

This intimation might be regarded as a declaration of war by de Montfort. Both he and Edward, who had also been in Paris, came

[1] *Circa* 25 January, 1263; Ann. Osney, 131; *Liber de Ant.* 52, 53.

[2] See the report of Chishull and Montferrand, *R. Letters*, II 242. "Dominus comes dixit quod vos (sc. Henricus) nihil nisi bonum voluistis; sed aliqui de consilio vestro de pace non multum curarunt, nec ipsam libenter procurarent." Also given in *Fœdera*, I 416, under 1262, wrongly.

[3] *Fœdera*, sup.

Virtually at war with de Montfort.

home immediately afterwards. Edward landed on the 24th February ;[1] while on the 5th March Simon acknowledged a state of war by offering to sign a truce with Edward.[2] Henry, in a letter begging his son to come home, had pointed out that the war with Llewelyn was essentially his affair.[3] And so in fact we find that Llewelyn was generally considered to be at war, not with Henry, but only with his son. However, from this time onwards we find Edward strenuously supporting his father's cause, and resisting de Montfort. On the 11th March the Mayor and citizens of London had been required to swear allegiance to Edward as Henry's heir ;[4] and a few days later similar orders were sent out for all the country. The Earl of Gloucester refused to take the oath.[5]

Edward takes his Father's side.

Changes again had already taken place in the relations of the March Lords with the Welsh. Henry had relieved the Earl of Hereford of the chief command, giving it to John de Grey,[6] at the same time entreating the lords, if only in their own interests, to drop all differences and make common cause against the Welsh.[7] These appeals fell on deaf ears. John l'Estrange, as Constable of Baldwin's Castle, could harry the Welsh in our Radnorshire and Montgomeryshire.[8] But when in the course of April Edward appeared at Shrewsbury, on his way to Gwynedd, at the head of foreign troops, a grievous mistake that set people against him, the indignant English refused to join him. He burned some places in Gwynedd, and then, finding himself isolated, had to sign a truce with Llewelyn, and take his mercenaries back to Windsor for safety.[9] Meanwhile the Barons also were importing horses and arms.[10] At Whitsuntide (20th May) Simon mustered his forces by holding a Parliament of his own at Oxford.[11] Of the original Fifteen only Hugh le Despenser is named as present. On the other hand de Montfort had attracted to himself a host of young men of rank

The March Lords and the Welsh.

De Montfort musters his Party.

[1] Gervase, Cont. II 219.

[2] *R. Letters*, 244.

[3] *Fœdera*, 423.

[4] *Liber de Ant.* 53.

[5] *Fœdera*, 425, 427 ; Ann. Dunst. 220.

[6] Of Wilton, Herefordshire, brother of Richard de Grey of Codnor (Derbyshire) ; *Historic Peerage*.

[7] *R. Letters*, II 236, 237.

[8] Ann. Camb. ; *Brut*.

[9] Ann. Burton, 500 ; Gervase, Cont. II 219 ; Westm. II 487 ; *Brut* ; Ann. Camb. Edward was at Shrewsbury on the 15th April ; *Fœd.* 425.

[10] 8 May ; *R. Letters*, II 245.

[11] Dunstable, 222. Wykes, 133, gives the date, but places the Parliament in London, which is clearly wrong, as we are told that the King was not at the Parliament, but in London, attending a general chapter of the Dominicans ; Gervase, II 221 ; Dunst. and Wykes, sup.

headed by Henry of Allmaine. Among them were John of Warenne, Earl of Surrey, married to the King's half-sister, Aelise or Alais de Lusignan,[1] a man who previously had been on Henry's side; Robert of Ferrers IV, Earl of Derby, married in infancy to Marie de Lusignan; and Gilbert, Earl of Gloucester, united under similar circumstances to another Alais de Lusignan,[2] both these last being the King's nieces, and daughters of Hugh le Brun XI.[3] The working of these forced marriages is here made pretty clear. With these men we have Henry of Hastings, Roger Clifford, John Fitz John, Roger Leyburne, John de Vaux, John Giffard of Bromfield, Hamond l'Estrange, Nicholas Segrave, Geoffrey Lucy, John de Vescy, Robert of Vipont,[4] William of Montchensy. A last fruitless demand for the recognition of the Provisions was addressed to the King,[5] accompanied, according to one writer, by an offer to submit to the modification by common agreement of anything that might be thought 'prejudicial to king or country.'[6] The offer having been rejected Simon, abandoning all further attempt at peaceful or constitutional action, took the desperate step of declaring war against all who should refuse to accept the Provisions.[7] Queen Eleanor, Edward, all the King's chosen agents and confidants, as well as all foreigners, without distinction of class or calling, were treated as recusants. This indirect mode of attack was adopted doubtless in order to avoid the imputation of waging war on the King, whom the Barons had not as yet 'defied,' that is to say whose allegiance they had not formally renounced, that being a necessary preliminary to lawful hostilities between a vassal and his lord; and so in fact we are told that the Barons drew the sword in the King's name and flying his flag.[8] Once more England found herself in all the horrors of civil war, when no one could trust another, and a man's household might at any moment become his worst enemies.[9]

and declares war on the King's adherents.

The declaration of war was no mere *brutum fulmen*. Two of the most unpopular men in the country were Peter of Aigueblanche, the

[1] John was married to Alais in April, 1247; *Liber de Ant.* 12.

[2] Blaauw, 180.

[3] Dunst. 222; Wykes, 133.

[4] Roger Clifford was nephew and heir of Walter Clifford (Herefordshire), who died this year. He and Leyburne were married to Vipont's daughters; *Historic Peerage*.

[5] Dunst. 221.

[6] So the author of the *Liber de Ant.* 54, a writer hostile to de Montfort, but he gives the offer of modification in connexion with the manifesto issued later in London, not with the earlier manifesto, which he does not notice.

[7] "Quod omnes venientes contra statuta Oxoniæ haberentur pro inimicis capitalibus"; Dunst.

[8] *Liber*, 53.

[9] Ann. Osney, 138, and *Liber*, sup.

Savoyard Bishop of Hereford, and Simon of Walton, Bishop of Norwich; the former was regarded as the author of the Sicilian treaty, and his hands had drawn the fraudulent bills on the English clergy; Walton was one of the executors of Urban's Bull relieving the King of his oath. Both were immediately attacked. On the 11th June Clifford, Leyburne, Giffard and Vaux pounced down on Hereford, seized Bishop Peter in his Cathedral, and carried him off as a prisoner. All his goods were plundered and his land harried.[1] The Bishop of Norwich, warned in time, was able to take refuge at St. Edmunds; and the sanctuary happily was respected.[2] De Montfort led his main force to Gloucester, held by Matthew de Bezille, a foreigner, who, in 1261, had been appointed by Henry Sheriff of Gloucestershire, in substitution for one of the Barons' men.[3] The castle was carried and Matthew taken prisoner. From Gloucester Simon advanced to Bristol, where he was well received.[4] A detachment, as we may suppose, had been sent North to secure Worcester and Bridgenorth. Worcester again offered no resistance; at Bridgenorth the citizens held out for a day, and then being threatened by an independent attack by a party of Welshmen in the rear, admitted the Barons.[5] Throughout their march Simon's followers wasted systematically all possessions, and seized all castles belonging to royal favourites and foreigners, including those of the Queen and Edward. Eleanor had managed to accumulate an extraordinary amount of odium on herself.[6] She had acquiesced in the Provisions when they meant the expulsion of the Poitevin faction. But when her Savoyard relations were threatened she became indignant.[7] The King's son again was naturally regarded as the chief enemy that the Barons had to face. Three of his castles were taken and occupied by the Earl of Derby.[8] All foreign clergymen were expelled without mercy, and natives hastily installed in their places. Archbishop Boniface and Peter of Savoy had promptly sought safety in flight.[9] John Mansel, and Robert Walerand were in London with the King, and so far safe. Edward had gone down to Kent, to exact oaths of allegiance to himself, in accordance with the King's order.[10] Returning to London on the night of the 26th

Waging of the War.

Systematic ravages.

[1] Gervase, Cont. II 221; Westm. II 480; Dunst.
[2] Flor. Cont. II 191.
[3] William Tracy. See Robt. Gloucester, II p. 736.
[4] Gervase, 221.
[5] Westm. II 480.
[6] "Fœmina serpentina"; Tewkesb. 177.
[7] See Waverley, 355.
[8] Dunst. 224.
[9] Ann. Winton; Westm. 481; Dunst. 222; Wykes, 135.
[10] 15 June; *Fœdera*, I 427.

June, being in want of money for the pay of his mercenaries, he broke into the sacred bank of deposit in the Temple, took what he wanted, and went off with it to Windsor. The Londoners rose at this outrage on private property; the houses of John de Grey and Simon Passelew were sacked; the King and Queen hastened to the Tower; Mansel, not feeling safe even in the Tower, went down to Dover with the King's son Edmund, whom he left there in the castle. On the 29th June he himself sailed to Boulogne, never to return. At Boulogne, apparently, Mansel found Henry of Allmaine, who, having been sent abroad on business of the Barons', had been arrested in Henry's interest by one Ingelram of Fiennes (*Pas de Calais*). But Louis promptly ordered Henry's release.[1]

Rising in London.

Advancing from Bristol towards London, by way of Chippenham, Marlborough and Hungerford, de Montfort was at Reading on the 29th June. Declining an invitation to hold a conference with the King of the Romans on Lodden Bridge, he advanced next day to Guildford, and then again to Reigate (1 July),[2] being in fact on his way into Kent, to counteract the effect of Edward's visit.

Meanwhile Henry of Sandwich, the newly-consecrated Bishop of London, Robert of Gravesend, Bishop of Lincoln, and Roger Longsword, Bishop of Lichfield,[3] were exerting themselves as mediators; while Walter Cantilupe, the patriotic Bishop of Worcester, was pressing Henry to accept the 'fitting and honourable' (*competens et honesta*) form of peace forwarded through the Bishops.[4] It is clear that the Barons' terms included the confirmation of the Provisions, with the re-appointment of the Barons' Ministers; the surrender of Dover and Windsor Castles, and the safe delivery of Henry of Allmaine. Henry, powerless to resist, had to submit.[5] On the 10th July he directed Edmund to surrender Dover Castle to the Bishop of London, as arranged, as a preliminary to peace.[6] But the young man and his advisers hesitated to comply till they had heard more, and the order had to be repeated.[7] On the 12th July Simon, having received the allegiance of the Cinque Ports and the men of Kent generally, was conferring at Canterbury with the three Bishops.[8] On the 13th July the Queen, still bent on resistance,

Bishops mediating.

The Barons' Terms

accepted by Henry.

[1] Gerv. 222.

[2] *R. Letters*, II 248.

[3] Sandwich was consecrated on the 27th May; the other two had been consecrated in 1258; *Reg. Sacr.*

[4] *Fœd.* 427; 29 June. For the terms, cnf. *Liber de Ant.* 54.

[5] Dunst. 223, 224; Westm. 481.

[6] "Ad pacem cum baronibus nostris ineundum et firmandum."

[7] *Fœdera*, 427, 428; Gervase, 223. The second order dated the 17th July speaks of the peace as settled.

[8] Gerv. sup.

attempted to leave the Tower by water, to join her son at Windsor. Her barge was met at London Bridge by a howling mob, she was pelted with foul words and fouler missiles, and driven back.[1] Two days later de Montfort and his Barons entered London in triumphant procession. Bells pealed and flags waved. Simon went straight to the Tower, and bowing to the King, asked if he still kept to the peace. Once more Henry's reluctant hand subscribed the Provisions, with the saving clause, however, that they should be revised as promised.[2] Next day the King and Queen left the Tower for Westminster; Hugh le Despenser again became Chief Justiciar and Constable of the Tower;[3] while on the 19th July Nicholas of Ely relieved Walter of Merton of the Great Seal.[4] On the 21st of the month the King's reconciliation with the Barons, and the restoration of the reign of law and order was proclaimed in the City.[5] Windsor Castle, however, had still to be made over to the Barons, Edward holding out. On the 24th July the Barons marched out of London with the King to undertake a siege. Edward, rather rashly, came to meet them at Kingston, to hold a conference; he was told to consider himself a prisoner until Windsor should be given up. Two days later the French garrison marched out, with horses and arms, having been sworn never again to come to England.[6] Here Edward would seem to have been tricked. But we are told that just before he had made an attempt to recover Bristol, had got into trouble there with the citizens, had been rescued on terms by the Bishop of Worcester, but had failed to observe the conditions.[7] It would seem that in civil war faith can never be kept. On the other hand the surrender of Windsor was nominal, as Edward managed to retain his hold of the place.

De Montfort enters London.

Peace proclaimed.

Of course the new state of things had to receive the consideration and sanction of Parliament. A session was promptly summoned for the 8th September,[8] and here de Montfort at once found himself confronted by the consequences of his own recklessness in letting loose his followers to harry and destroy. The foreigners, after all, however unpopular as a class, were law-worthy men, who held what they had by titles that could not be legally dis-

Parliament.

[1] Dunst. 223; Westm. II 481; Wykes, 136.
[2] Ann. Dunst.
[3] *Liber de Ant.*
[4] Rot. Claus. 47 H. III 6, and R. Pat. 47 H. III 6, cited Pauli.
[5] *Liber*, 56.
[6] *Liber de Ant.* 57. "The safe-conduct of the garrison is dated 26 July, Rot. Pat." Blaauw.
[7] M. Westm. II 482, 483; Trevet, 252.
[8] Fine Rolls, II 403.

puted. Loud complaints were at once raised of outrages on persons who had never in any way run counter to the Provisions. But Simon was still master of the situation, and unbending. The demand for damages was met with the airy suggestion that claims for compensation should be laid before the King's Justices, and, apparently, settled by the King.[1] The Bishop of Hereford and de Bezille were set free; but the only definite outcome of the Parliament was a re-proclamation of the Provisions, in all their entirety, even Edward now giving his assent, but we fear with little purpose of keeping to his word.[2]

The Provisions re-enacted.

The sittings in fact were cut short by a summons to all parties to appear before the High Court of King Louis, Henry's suzerain. This amazing proceeding had been arranged at the suggestion of the Queen, who hoped to get the Provisions summarily condemned; and the Barons had given in to the proposal, on receiving guarantees for the King's speedy return. On the 23rd September Henry and Eleanor, their two sons, Henry of Allmaine, the Earls of Leicester and Surrey, and other barons all went over in a body to Boulogne. There they found the King and Queen of France, Charles of Anjou, a host of French Magnates, with Archbishop Boniface and Peter of Savoy. Charges in connexion with his recent doings were showered on Simon's head. But he was ready with his answer. He owed no suit on such matters to the Court of the King of France: he would answer all complaints before his own Peers, in the court of the King of England. About the 7th October the whole party returned to England, the Queen, however, remaining with her sister.[3]

Louis intervenes

to no Purpose.

The October Parliament, for which the King had been hurried home, gave no better signs of hope for the future than its predecessor had done. The cry for restitution and compensation grew louder and more determined; while Henry insisted that he ought certainly to have the right of choosing the men whose offices would make them members of his domestic household, as was the case with the chief Ministers. This on the face of it seemed a very reasonable demand; but it involved the vital point of the control of the King's daily acts. On neither question would Simon give way; and the end of the session saw the Barons and the King as much at variance as ever; the Baronial party in a state of palpable disruption, and the King at the head of a powerful following, "recruited

The Barons' Party breaking up.

[1] Dunst. sup.

[2] Gervase, Cont. II 224, 225; Dunst. 225; *Fœdera*, I 429; Westm. sup.; *Liber*, sup.; *R. Letters*, II 249.

[3] Ann. Dunst. 224; *Liber*, 57; Wykes, 136; Tewkesb. 176; Westm. 484.

from the very ranks of those who had fought under Montfort in the spring." [1]

The natural tendency to worship the rising sun, "the glitter of royal promises," and a certain alarm at the ultra-liberal character of de Montfort's sympathies,[2] had all helped Edward to rally a party. Already by the 18th August Leyburne, Giffard, and Vaux, with Ralph Basset of Drayton, and Hamond L'Estrange had signed a treaty of allegiance with him.[3] Other accessions of the autumn were those of Henry of Allmaine, the two Bigods, and John of Warenne, Earl of Surrey.[4] Robert Neville of Raby was urging the King to make sure of the country beyond the Trent by appointing Robert Bruce, John Comyn, John Balliol and Henry Percy, Conservators of the Peace for the district.[5] Again, Roger Clifford had surrendered Gloucester Castle.[6] With parties so evenly balanced, and compromise by common agreement found impossible, the sword alone could settle the issue. But Simon's stiffness cannot well be justified. Henry's government, no doubt, had been wilful and irritating to the magnates; but it had been too weak to be oppressive; and in fact the Barons had pretty well squared accounts with the King by their persistent refusal of supplies. The clergy, on the other hand, far more than the Barons, had reason to complain of the traffickings with the Papacy, which were Henry's chief offendings against the nation; and the clergy, as represented by the chroniclers and songsters of the time, were still, with the exceptions already noted,[7] as strongly in favour of de Montfort's policy as ever.

The Clergy still staunch.

At the close of the Parliament Edward went off to Windsor, the King following him with his supporters, and Windsor became the headquarters of the Royal party, while Leicester sought to strengthen his position in London by expelling the Earl of Surrey, Hugh Bigod, and others who had gone over to the King's side.[8] But even so London was divided against itself. The higher class of citizens were opposed to de Montfort; the poorer citizens were devoted to him; and in his interest they re-elected for the second time a democratic Mayor, Thomas fitz Thomas, and swore him in, and installed him, in defiance of the King and the Barons of the Exchequer.[9]

London divided.

[1] Shirley, sup.
[2] See Wykes, 138; *Liber*, 55, 56.
[3] *Fœd.* 430. Giffard had changed again by the winter.
[4] See Ann. Tewkesb. 175; Wykes, 137; Dunst. 225; Rishang. *De Bello*, 15.
[5] *Fœd.* 429. Canon Shirley places this letter under 1264; *R. Letters*, II 255.
[6] Robert of Gloucester, II 739; *R. Letters*, II 253.
[7] Wykes and the London writers.
[8] *Liber*, 58; Dunst. 225.
[9] *Liber*, sup. Thomas appears on the lists as the Mayor of the year.

Feeling stronger the King thought it time to bestir himself. We hear of a Parliament called to Reading, that Simon did not venture to attend.[1] On the 8th November Henry was at Oxford; on the 15th of the month he signs at Winchester, and on the 29th at Rochester.[2] He was making a push to recover Dover Castle. On the 3rd December he appeared at the gates with a formidable army which included Edward, the King of the Romans, and his son, Surrey, Hereford, the two Bigods, Philip Basset, Roger Mortimer, and Thomas Corbet; Richard de Grey,[3] the Constable, was absent, being with de Montfort. To Henry's demand for admission de Grey's son John answered that in his father's absence he could not admit the King's forces without a joint warrant from the King and the Oxford Barons (*de consilio XII juratorum Oxoniæ*), under whom they held the place; the King himself might be admitted as a visitor, but without armed attendants.[4] Repulsed from Dover the King fell back on Windsor by easy stages, to suffer another disappointment on the way. De Montfort was quartered in Southwark, with a small force, keeping an eye on the King's movements. Henry having marched through the Weald[5] to Croydon, on reaching Merton received an intimation from friends in the City to make a hasty attack on Southwark; they undertook to have the gate on London Bridge closed, so as to cut off Simon's retreat. The Royalists hastened to avail themselves of the offer. De Montfort was preparing to sell his life dearly, when the populace burst the barriers and rescued their champion,[6]

The King on the move.

Attempt on Dover.

Another Coup missed.

For the Continental aspirations of the King and his brother the year 1263 proved very depressing. On the 28th July Urban, satisfied that England had been squeezed dry, revoked the grant of the Sicilian Crown.[7] He wanted an effectual antagonist to the hated Hohenstaufen, and he had one ready in a countryman, the energetic and aspiring brother of King Louis, Charles, Count of Anjou, and also, in right of his wife Beatrice, the sister of the English and French Queens, Count of Provence. The bearer of the unwelcome Bull was instructed to remind Henry that his liability to a pilgrimage to Holy Land would now revive.[8]

The Sicilian Grant revoked.

Charles of Anjou to be King of Sicily.

[1] Dunst. sup. Envoys from Llewelyn were said to have attended. Prothero.
[2] Fine Rolls, II 406.
[3] Of Codnor.
[4] 3 Dec.; Gervase, Cont. II, reproducing the Dover chronicle.
[5] "Reversus per Waldias"; Dunst. 226.
[6] Gervase, 230, 231; Dunst. 226.
[7] *Fœdera*, I 430.
[8] Gervase, II 231. The grant to Charles was not finally published till the

Richard was subjected to equal humiliation. He received a Bull addressed to the 'King Elect' of the Romans, requiring him to appear at Rome by the 2nd May, 1265, to submit to the Pope's decision as between himself and Alphonso of Castile.[1]

To return to domestic affairs. Regard for the general anxiety for peace, and a consciousness of his inability to strike any decisive blow at last induced de Montfort to listen to the mediating Bishops, who urged a reference to the arbitration of the King of France.[2] Henry had always wished for arbitration. Leicester and his party sealed the submission in London on the 13th December, and the King and his adherents subscribed at Windsor three days later.[3] The attesting signatures give us full lists of the two parties. Besides those already mentioned as supporting the King, we have on his side John Fitzalan (of Clun and Arundel), Reginald Fitz Peter, Roger Clifford, James of Audley, Alan de la Zouche, John de Grey, Philip Marmion, John Musgrave ("Muscegros"), William le Latimer; besides William of Valence (who had held his ground in England since his return), thirty-one barons in all, but not a Prelate among them. Simon had two Bishops, London and Worcester, two of his sons, Henry and Simon, Peter of Montfort, Adam of Newmarch,[4] Ralph Basset of Drayton, Baldwin Wake, William Marshal, Walter of Colville, Richard de Grey, William Bardolf, Henry Hastings, John fitz John, Robert of Vipont, John de Vescy, Nicholas Segrave, Geoffrey of Lucy, twenty-five names in all. Gloucester's name does not appear on either side. No geographical line of demarcation can be drawn between the two parties. Men from the Midlands, men from East Anglia, March Lords and Northern Barons are found on either side.[5] Of the Greys of Codnor the father signs on one side, and the son on the other, while Clifford parts company from his father-in-law Vipont. So again we find the Earl of Hereford with the King, his son with the Barons. But on Simon's side the young men predominate.

General Submission to the Arbitration of Louis.

The Two Parties.

The submission was absolute. Both sides swore to abide by Louis' *dictum*, whatever it should be, with regard to the Oxford Provisions, or any question arising out of them, provided only that his award was published by Whitsunday. It has been thought strange that de Montfort should have submitted to the arbitration of one who was

15th February, 1265; he was crowned at Rome 6th January, 1266. Martin, *France*, IV 319, 320.

[1] *Fœdera*, 430; Gervase, sup.; Milman, V 54.

[2] Dunst. 326. "Generaliter clerus et populus, unanimi assensu"; Wykes, 138.

[3] *Fœdera*, I 433; *R. Letters*, II 251; Ann. Tewkesb.

[4] "de Newemarche"; Gerv.

[5] See also the list of barons and gentry on either side compiled by Mr. C. H. Pearson in his Appendix to Blaauw's *Barons' War*, 366, etc.

Henry's brother-in-law, and who had "done more than any one King of France to enlarge the royal prerogative.[1] It was of course a grave slip on Simon's part to submit to an unrestricted arbitration; but as we have seen, he could hardly reject arbitration altogether, and if there was to be an arbitration Louis was clearly the only possible arbiter. Simon had enjoyed much friendly intercourse with the King, and had no reason to anticipate an unfair or one-sided decision.

Both parties appeared before the Royal Arbiter. On the 2nd January, 1264, Henry crossed from Dover, with Hugh Bigod in attendance; Edward and Henry of Allmaine had gone over a few days before.[2] The Barons, however, were deprived by an accident of the personal presence of de Montfort. At the outset of his journey he was thrown from his horse, hurt his leg, and had to be carried back to Kennilworth.[3] Adam of Newmarch and Peter of Montfort were commissioned to represent the party.[4]

Louis did not keep the world long in suspense. On the 23rd January he published his award at Amiens. As might have been expected it was absolutely in favour of the King. The whole Provisions of Oxford were pronounced to be mere invasions of the royal prerogative, and cancelled as such, together with all engagements founded upon them; all royal castles to be surrendered at once; the King to have the sole right of appointing such men as he might think fit, native or foreign, to all public offices, from the highest to the lowest; the right to employ foreigners is emphasized by two special clauses dealing with that point alone. In his decision Louis strengthened himself by the fact that the Provisions had already been annulled by the Pope. At the same time he declared that he did not intend to derogate from any of the 'royal privileges, charters, liberties, statutes, or good customs of England existing before the time of the Provisions.' Lastly, he enjoined mutual amnesty on both parties.[5]

Louis' award.

That de Montfort and his followers were astounded needs no telling. But it is interesting to learn that the Award of Amiens was rejected by the unanimous voice of the clergy, the Londoners, the men of the Cinque Ports, and in a word by all the middle and lower classes of England.[6]

Simon and his supporters reject it.

[1] Shirley, *Quarterly Review*, vol. 119.

[2] Gervase, Cont. II 232. Henry signs at Dover on the 1st January.

[3] Dunst. 227.

[4] Gerv. sup. See Rishanger, 122.

[5] *Fœdera*, I 433; *Liber de Ant.* 59; Tewkesb. 177.

[6] "Displicentia plebi et clerico Anglicano"; Gervase, sup. 232; "Londonienses autem et Barones de Quinque Portubus et fere omnis communa mediocris populi regni Angliæ . . . contradixerunt"; *Liber de A.* 60. See also the other royalist writer, Wykes, 139. "Rex Francorum impiger ad prolationem arbitrii

O Rex Francorum, multorum causa dolorum
Iudex non rectus ideo fis jure rejectus.[1]

Gloucester, who had held back from the reference, again joined de Montfort heart and soul.[2]

The Award intolerable.

That Louis himself could imagine that such a decision could be accepted by the English shows how different the political ideas of the two countries already were. What made the Award absolutely intolerable was the formal sanction, we might almost say the positive encouragement, given to the employment of foreigners, their exclusion having been for all the English the essential point of the Baronial policy.[3] If that had been conceded the remaining articles of the Provisions might have been abandoned.[4] In pronouncing in favour of the foreigners it was generally considered that Louis had been influenced by the two Queens.[5] Henry, however, was delighted.[6] He had once more been reinstated in the plenitude of power, and had nothing to do but to exercise his authority. He had also come to a final settlement with Louis as to the pay for the 500 men-at-arms under the treaty of Paris. The Sicilian Crusade was now out of question, but that mattered not. The sum was fixed at 134,000 *Livres Tournois* (£33,500 sterling), of which 76,000 L. T. (£19,000) had been already received, leaving 58,000 L.T. (£14,500) to be paid by instalments in two years.[7] At the same time Henry evinced his sense of security by ordering the jewels deposited in Paris to be brought home.[8]

The King Returns.

On the 15th February Henry crossed from Witsand to Dover. Again the castle refused him admittance, though the Award of Amiens was solemnly read out at the gate; and so the King had to move on to Canterbury, there to remain for nine days.[9] By the 5th March he had taken up his quarters at Windsor,[10] Westminster being closed against him.

At the report of Louis' decision the Londoners thought it necessary to provide against any eventuality. Despenser was still in command

. . . forte minus sapienter aut utiliter quam deceret eructatione siquidem improvisa suum præcipitavit arbitrium," etc.

[1] *Pol. Song*, cited Blaauw, *Barons' War*, 115.

[2] Wykes, sup.

[3] See the summary of the Melrose Chronicle, 192. "Contentio inter regem et barones suos initium habuit et finem a retentione alienigenarum."

[4] See the offer shortly afterwards made by the Barons; Ann. London, 61.

[5] So Dunst. 227.

[6] Wykes, 139.

[7] *Fœd.* 434. The pay works out at the rate of nearly 1*s.* 10*d.* a day.

[8] Id. 435.

[9] Id. and Gervase, 232, 233.

[10] Fine Rolls.

London under arms.

at the Tower; but the citizens desiring a popular organization elected a Constable and Marshal of their own, holding themselves ready to come to arms at a moment's notice.[1]

Renewal of the War in the West.

In the West war was again raging. The general confusion and alarm were not allayed by rumours of the advent of a Papal Legate, armed with powers for enforcing the Award by spiritual censures.[2] The fresh outbreak apparently was kindled by a grant of de Montfort lands on the Welsh March, made by the King to Mortimer, the cession having to be enforced at the point of the sword. These proceedings were denounced by the Barons as a breach of the truce pending the arbitration.[3] Simon, however, promptly sent his sons Simon and Henry to retaliate. Joining forces with Llewelyn, they captured Radnor, Wigmore, and one of Clifford's Castles, not named.[4] This alliance with Llewelyn determined the action of the March lords. On the 4th February the King of the Romans, who was acting as Regent in the King's absence, had to warn the sheriffs of Gloucester, Worcester and Shropshire to hold the bridges and fords of the Severn against the Barons, at war with Mortimer.[5] Led by the Earl of Derby they came down on Worcester.

Worcester stormed.

The place had admitted them without difficulty in the summer; now it was prepared to resist, William Beauchamp, sheriff of the county ever since 1236, being a strong Royalist. After several assaults the city was stormed and sacked, the cathedral, however, being respected.[6] From Worcester the Barons advanced to Gloucester. There again city and castle were closed against them. But they managed to effect an entrance to the town by the following stratagem. Two of their men were sent across the bridge over the Severn up to the West gate, riding on wool packs, and disguised with Welsh cloaks. The unwary porters having been induced to open the gate to the seeming "chapmen" and their goods, a party in support rushed up and the town was won.

Gloucester City won.

> "Tho (*then as,*) the barons adde the toun and the castel the King
> Ther was ofte betwene hom gret bikering."[7]

Meanwhile Edward, having returned from France, had been leading a counter-raid into our Brecknockshire, where he had wrested Brecon from the Welsh, and captured Hay and Huntingdon, places belonging

[1] *Liber de Ant.* 61.
[2] Ann. Tewkesb. 179, 180. On the 16th and 17th March Bulls were issued confirming the Award; *Fœd.* 436.
[3] Ann. Dunst. 226; M. West. II 486; Gervase, Cont. II 232.
[4] Ann. Camb. 101; Westm. and Tewkesb. sup.; Gervase, 233.
[5] *R. Letters,* II 253.
[6] 29 February (Leap year); Ann. Worcester, 448; Westm. 486.
[7] Robert of Gloucester, II 470, 471; Ann. Dunst. 227.

to the rebellious younger Bohun in right of his wife Eleanor, daughter of William de Braose.[1] On the 5th March Edward in turn rode "al over the brugge to the west zate" of Gloucester. But the Barons were on their guard, and Edward, unable to force an entrance, fell back to the river, and getting into a boat made his way to the castle, which stood on the river bank.[2] Next day an action seemed imminent, Edward preparing to attack; then finding the enemy getting too strong for him, changing his tactics, he persuaded Henry de Montfort, who was in command, to throw away his advantage by signing a truce for a week, under pretence of a conference, to be held with his father. The deluded Barons then went off to Kennilworth, leaving Edward free to wreak his vengeance on the townspeople for having allowed the Barons to get in. Having done with the men of Gloucester, he went off to join his father at Oxford, ravaging the lands of all opponents on the way.[3] De Montfort was reported to have said that in no land, Christian or heathen, had he found such want of good faith as in England, a severe remark, but one quite justified by recent events, and applicable to Simon's own self.

The Castle saved.

On the 7th March the King had moved from Windsor to Reading, *en route* for Oxford, as a more convenient base of operations.[4] His first act was to order the University to disperse and go home for a time. Fear lest the turbulence of the scholars should interfere with the deliberations of a Parliament that Henry was proposing to hold, was the reason assigned,[5] but the real ground of the edict was the known sympathy of the University for the popular cause. Not many days before Edward, when on his way to the Welsh March, had to lodge in the King's hall, Beaumont Palace, outside the walls of Oxford, because the citizens refused to admit him.[6]

Henry's next step was to instruct the Bishop of Lichfield, one of the mediating Prelates, to summon de Montfort and his adherents to come forward to discuss matters in the presence of John de Valentin,[7] an envoy from France (13 March). That sounded rather like an order to surrender at discretion.

One More Conference.

[1] Ann. Camb. 101; Trevet. 254; *Complete Peerage*.

[2] R. Gloucester, II 7 . 744.

[3] Dunstable, 227, 228: Westm. II 487; R. Glouc. 542–545. The last apparently writes from personal reminiscences, though his work cannot have been finished till after 1297, as he refers to the canonisation of St. Louis which took place in that year; Pauli.

[4] Patent Roll, cited C. L. Kingsford.

[5] "In tanta congregacione multi indomiti"; *Fœdera*, I 435; 12 March: Rishang. *d. B.* 21. 22.

[6] R. Gloucester, II 741. This writer gives the break up of the University as a punishment for a recent Town *v.* Gown riot.

[7] For the name see *R. Letters*, II 234.

But Simon, anxious for peace, condescended to appear, and the result was that the King issued safe-conducts for one more conference to be held at Brackley, the place where in 1215 the Magna Carta Barons had tendered their articles to King John. But Henry betrayed his purpose by concurrently calling for mass levies to meet at Oxford at the close of conference.[1] Of the negotiations that ensued the chroniclers tell us nothing; but documents relating to the business are extant. The King's Council drew up a proposal for the return of Archbishop Boniface and all exiled clergy, native or foreign, with compensation for all losses, the amount of compensation to be determined by the Archbishop and his suffragans, or such of them as he should call to his Council. The only conditions to be imposed would be simply that the returning clergy should revoke all excommunications, and undertake to bring in no letters or missives prejudicial to the King or his realm.[2] Simon, on the other hand, was prepared to accept the Award of Amiens if the one article admitting foreigners to office in England were remitted.[3] But this was just the cardinal point in dispute. Henry would not concede it, and there the final conference ended.

One more Failure.

Three weeks the King stayed at Oxford, the guest of the Dominicans established on an island across the Isis, outside the town. At the suggestion of his hosts he ventured to break the spell that for five centuries had forbidden a King to approach the shrine of St. Fritheswyth, or even to enter the gates of Oxford.[4] The Saint, a damsel of gentle birth, had been persecuted by the offensive overtures of one Ælfgar, a Mercian Ealderman or Underking. Ælfgar, having at last ventured to lay hands on Fritheswyth, was immediately stricken with blindness, to have his sight shortly restored at the Saint's intercession. But she was supposed still to resent any approach of Royalty to her resting place. Unbounded in his regard for relics, the King resolved to try what humble devotion might do to effect a final reconciliation with the Saint. Barefooted and fasting, with a friar to support him on either side, he advanced up the pillared nave now known as the cathedral church of Christ, and fairly and safely presented his offering at the altar.[5]

Henry and St. Fritheswyth.

Having been joined by his brother and his son, and loyal barons in sufficient strength, Henry went forth to subdue his rebellious subjects,

[1] 18, 20 March; *Fœdera*, 437.

[2] *Fœdera*, I 438; dated simply in March, 1264.

[3] "Quod saltem unicum et solum remittat articulum videlicet quod aliegenis ab Anglia remotis per indigenas gubernetur"; Ann. London, 61.

[4] So Robert of Gloucester, a good authority.

[5] Ann. Osney, 142; Wykes, 143, and for details R. Gloucester, II 747. For the legend of St. Fritheswyth, see Leland's *Collectanea*, I 279.

War. as his father had done; but it must be admitted, in a less ruthless spirit. Henry's campaign did not contemplate indiscriminate ravages, nor the reduction of castles, so much as that of borough towns, indicating a change in the distribution of social forces in England since the year 1215. On the 3rd April the Royal army marched out of Oxford with the King's new Dragon banner fluttering in the van.[1] Early on the 5th April they appeared before Northampton. There the Barons were gathered in force; there too were gathered a band of the expelled Oxonians, enrolled in a special corps, with a banner of their own. But the Royalists had a friend in Northampton, Guy, a Frenchman, Prior of St. Andrew's, a Cluniac foundation, cell of Ste. Marie of La Charité on the Loire. He had prepared a breach in a part of the town wall, where it abutted on the Priory garden, near the North gate. A feigned attack was made on the South side of the town, while a party was sent round to effect an entrance through the monastic garden. Young Simon de Montfort charged the storming party with such impetuosity that his horse carried him through their ranks, on to the breach, and so headlong into the ditch outside, where he and his charger were secured. This disaster involved the fall of Northampton. The town surrendered at once, and the castle next day. Some fifteen bannerets and knights, and sixty men-at-arms had to place themselves as prisoners in Henry's hands; the Oxonians were dispersed, and the town given over to pillage, with "every circumstance of rapine and sacrilege." Among the captives were the younger Simon, Peter of Montfort and two sons, Adam of Newmarch, William Marshal, Baldwin Wake, William Furnival, Ralph Basset (of Drayton), Ingelram Balliol, John le Despenser.[2]

The King's Plan of Campaign.

Storm of Northampton.

From Northampton Henry moved on to Leicester and Nottingham, meeting with no opposition.[3] At Nottingham he kept his Easter Feast (20th April); and there he was joined by the Northern Barons, John Balliol and Robert and Peter Bruce. Edward was sent into Staffordshire and Derbyshire to destroy Tutbury Castle, and ravage the Ferrars and other rebel estates. His path everywhere was marked with fire and blood, and the war assumed an embittered character.[4]

Leicester and Nottingham surrender.

When the report of the failure of the Brackley conference reached

[1] "Præcedente dracone"; Dunst. 229; Wykes, 143. The Dragon banner had been ordered by Henry in 1244, of red samite embroidered with gold, a clear copy of the old Wessex ensign; Blaauw, 190.

[2] Dunstable, 229; Osney, Wykes, 143–145; Ann. London; Rishang. *de Belo*, 24; and the Bodleian MS. given by Mr. Halliwell in the Appendix, 124.

[3] William Bardolf surrendered Nottingham Castle; Patent and Close Rolls, cited Kingsford.

[4] M. West. II 488, 489; Rish. *de B.* 26. At Leicester Henry broke another tradition that kings ought not to enter the town; Wykes, 146; Rish. sup.

London the populace broke out of bounds. They seized the King's Justices at Westminster, marched out to Isleworth, harried King Richard's manor there, and levelled to the ground his house at Westminster, as well as those of William of Valence and Walter of Merton, the ex-Chancellor (31st March).[1] From the Brackley conference Simon had returned to London. On hearing of the King's march on Northampton he hastened to the rescue; but at the report of the fall of the town he went back again to London.[2]

Outrages in London.

About the time of his return a series of gross outrages were perpetrated on the Jews. A wild cry was raised that they were intending to betray the city to the Royalists; that they had procured false keys of the city gates; and that even Greek fire was to be used in furtherance of the infernal plot. A general plunder and massacre of the Israelites ensued.[3] De Montfort would seem to have been a passive spectator of these crimes, if not more deeply responsible for them.[4] But the Mayor and civic authorities exerted themselves to protect the victims, receiving them into the Tower, while the Register of Encumbrances from the Exchequer of the Jews, and the cash and securities of the Italian merchants and others were all brought to the same place of safety.[5] But similar excesses took place at Canterbury under the eye of the young Earl of Gloucester.[6]

Massacre of Jews.

The King and his army remaining stationary at Nottingham, the Barons resolved to exert themselves to extend their sphere of influence in the South. The point selected for attack was Rochester Castle, held for the King by Roger Leyburne, who not long before had been holding it for the Barons.[7] He had been reinforced with troops sent from Oxford under the Earl of Surrey, and was well prepared for a siege. On the 17th April a combined attack on the town and castle was opened, by Gloucester advancing from Tonbridge on the one side, and by Simon from London on the other side, the latter bringing down a siege train by water.[8] He had,

Siege of Rochester by the Barons.

[1] *Liber de Ant.* 61; Wykes, 140; Trevet, 225; and for the date the MS. Addl. 5444, cited Blaauw, 124. Wykes gives the date as the 10th March, probably wrongly.

[2] Dunst. 230; Rishanger, sup. 24; Gervase, 235.

[3] 9, 10 April; French Chron. of London, p. 5 (Camden Society, Aungier); *Liber*, 62.

[4] The friendly Dunstable writer in his hatred of Jews gives Simon credit for having ordered their execution; the hostile Thomas Wykes asserts that he was induced "licet invitus" to accept part of the plunder, and so became an accomplice after the fact, p. 143.

[5] *Liber de Ant.*, Wykes and Dunst. sup.

[6] Dunst. sup.; Gervase, II 235.

[7] Gervase, sup.

[8] Rishang. sup. 25; Dunstable, 231.

of course, to operate from Stroud, on the opposite side of the Medway. On the first day both assaults were repulsed, de Montfort failing to carry Rochester Bridge, leading to the principal gate of the city, just outside of the castle enclosure. Next day, being Good Friday, he contrived by the help of a fire-ship to burn the bridge with a tower on it, both being of wood, as well as the adjoining city gate. We must suppose that Simon then crossed in boats, though this is not mentioned. Anyhow, by the afternoon, Gloucester delivering a simultaneous assault from the other side, the town was carried, and sacked with the usual horrors; even the Cathedral was plundered; fugitives were dragged from the altar, and the Chapter House and cloisters again became stabling for troop horses.[1] Next day the castle outworks, or outer Bailey, now a public garden, was carried, and the garrison reduced to the massive Keep. For a week the bombardment of this citadel was kept up. On the 26th April the siege was raised. Henry was hastening to the relief of Rochester, while again there were rumours of a Royalist plot in London. Gloucester went back to Tonbridge, and Simon returned to Town.[2]

The King to the rescue.

Henry in fact marched with such speed that he covered the distance between Nottingham and Rochester—156 miles by the direct road through London, which he had to leave at Kingston—in five days (April 24–28). A few of de Montfort's men left in Rochester were captured, and mutilated with a barbarity worthy of Norman William.[3] From Rochester the King marched to Tonbridge; the place yielded without a struggle (1 May), and the Countess of Gloucester (Alais de Lusignan) was allowed to depart in peace.[4] From Tonbridge Henry went by Robertsbridge and Battle[5] to Winchelsea. He was hoping to procure shipping from the Cinque Ports for an attack on London, or at any rate for a blockade of the Thames; while Queen Eleanor was understood to be raising men in Flanders. But local sympathies were mainly with Leicester; and so, while forced to receive the King with all seeming respect, the men of Romney, Winchelsea and Hastings prudently sent their vessels to sea, with all the stores and valuables that they could carry.[6] From Winchelsea Henry fell back again to

March to South Coast.

[1] Gervase, sup.; Rishanger, *de B.* 25, 26; and the Rochester Cotton MS. Nero D. II printed by Mr. Halliwell, Rishang. Append. 127.

[2] Cotton MS. sup.; Gervase, 235, 236; Dunst. 231.

[3] Wykes, 147.

[4] 1 May; Gervase, sup. The King signs at Tonbridge 2 May; R. Claus. 48. H. III 6; Pauli; Trevet, 256.

[5] Both at Robertsbridge and Battle the monasteries were mulcted, see the *Carmen de Bello Lewensi* as printed by Mr. C. L. Kingsford, 2, 3; also Chron. Battle, cited Id. 60. The *Carmen* is also printed in Wright's *Pol. Songs*, 72, etc.

[6] Waverley, 356; Wykes, sup.; Rishang. sup. 27. 8 May, Patent Roll.

Battle.[1] But on the 6th May Simon, having taken measures against any outbreak of disaffection in London during his absence, started with all the men that he could rally in pursuit of the King. The report of Leicester's coming induced Henry to make for Lewes, calling for musters to meet him there.[2] Lewes, no doubt, was a friendly town, seat of a Cluniac Priory, and under the control of John Fitzalan, Earl of Arundel or Sussex,[3] a Royalist. But to reach Lewes the army had to plunge into the Weald of Sussex, amidst a hostile population, the woods, moreover, being infested with Welsh archers, retainers of course of the Earl of Gloucester. Hitherto the Royalists had revelled in all the licence of unrestricted plunder; now the pinch of want began to be felt, even the horses being short of forage.[4] On the third day from Battle the King reached Lewes (Sunday, 11th May).[5] On the same day Leicester, marching presumably by Croydon and East Grinstead, found himself at Fletching, ten miles to the North of Lewes, amid the primeval thickets of the Forest of Anderid.[6] A distinct ultimatum sealed by de Montfort and Gloucester in the name of the party was at once forwarded to Lewes.[7] The document, while professing unbounded regard for the King's own person and honour, intimates a purpose of waging determined war[8] against certain of his advisers[9]—his and their worst enemies—men who 'had calumniated the Barons, and in fact aimed at nothing but mischief to the country.' The letter does not name the objectionable advisers, nor does it in terms demand their dismissal, leaving that to unavoidable inference. Henry returned his answer on the selfsame day, addressing his letter, without greeting, to Simon de Montfort and Gilbert de Clare, and their accomplices. The worth of their professions of loyalty, said the King, might be gauged by their deeds, the wanton destruction of property committed by them, and the war waged on his faithful followers; that war he accepted as waged against himself,

De Montfort after him.

The King at Lewes.

Simon at Fletching.

His ultimatum

rejected.

[1] 9 May; Chron. Battle, cited Kingsford, 152; MS. Bodl. sup. Blaauw, 133.

[2] Id.

[3] So in right of his mother Isabel, sister of Hugh of Aubigné, the last Earl.

[4] Wykes, 147, 148.

[5] Chron. Battle, and Close Roll, Kingsford; W. Hemingburgh, I 314. Mr. Blaauw quotes a "Chr. Wigorn MS." to the effect that the men of the Cinque Ports were summoned to Lewes for the 10th May; p. 134.

[6] Ann. Worcester, 451. "In nemoribus"; Gervase.

[7] The letter is not dated, but the Continuator of Gervase states that it was sent on Monday, 12th May, II 236; and Matt. Westm. II 492, tells us that it was sent on the third day before the battle; "Nudius tertius ante."

[8] "Juxta posse gravare proponentes."

[9] "Quidam vobis assistentes."

and so 'defied' them, i.e. rejected their allegiance, thus formally declaring war in turn (12 May).[1]

The Barons had enunciated the constitutional fiction, distinguishing between the King and his advisers. But of course the one real enemy was the King.

The metrical chronicler gives an interesting paraphrase of the letters interchanged, showing what the popular idea of the practical aims of de Montfort was.

> The barons . . .
> Vaire (*fairly*) sende in to the toun to the King her sonde (*message*)
> That he ssolde vor Godes love him bet understonde
> And graunti hom the gode lawes and habbe pité of is lond
> And hii (*they*) him wolde servi wel to vote (*foot*) and to hond.
> The King hom sende word azen withoute gretinge this,
> That he ne kepte (*cared for*) nothing of hor servise I wiss.[2]

The King of the Romans and Edward, accepting the Barons' ultimatum as aimed at themselves, sent an independent response of their own, very bitter in tone, and in effect promising the Earls war to the knife.[3] It would seem that the Bishops of London and Worcester, Simon's envoys,[4] were authorised still to endeavour to induce the King to accept the Provisions, and an offer of £30,000 for damages is spoken of; also a suggestion for a reference to the clergy, as to how much of the Provisions might be retained or waived, consistently with the oaths that had been taken. It is clear that the diplomatic efforts extended to the second day, and that it was not till then that Simon, finding that peace was out of the question, renounced his allegiance to the King and declared war.[5]

Fruitless Diplomatic Efforts.

De Montfort finally declares war.

As there was to be war, de Montfort, conscious of the inferiority of his troops, both in quantity and quality, boldly resolved to take the initiative and catch the enemy napping. The night of the 13th–14th May was spent in military preparation, not omitting prayer, Simon in this and other respects encouraging his followers by his devotion and enthusiasm. The Bishop of Worcester gave absolution to all who should manfully do their duty in the battle.[6] One faith, one will

[1] "Vos tanquam . . . inimicos diffidamus"; M. Westm. sup.; Rishang. *de B.* 27; *Liber de Ant.* 64, etc.

[2] Robert of Gloucester, II 748. This English, of the time of Edward I, shows a distinct advance on the English of Henry's Proclamation of 1258.

[3] Westm. Rishang. *Liber*, sup.

[4] A fragment from the Royal MS. 10 B. VI gives the Bishop of Chichester as envoy; *Engl. Hist. Rev.* XI 521.

[5] See Rishanger, sup. 30; and Waverley, 356; Wykes, 148, speaks of the offer of the money as made to King Richard. The *Carmen de Bello Lewensi*, line 247, speaks of an offer of arbitration by the clergy as to the Provisions rejected by Edward.

[6] Rishanger, sup.

linked them all together,[1] "a nascent spark of the religious fervour which animated the armies of Cromwell."[2] For the sake of distinction, and also to mark the sacred character of their cause, all were made to assume the White Cross of English Crusaders.[3] Of their numbers, or of those of the Royalists, we can give no estimate of any sort, having no data wherewith to correct the extravagant figures of the chroniclers, which are not worth quoting. But all agree that the Royalists were the more numerous; also that they had a much larger proportion of men of standing and rank.

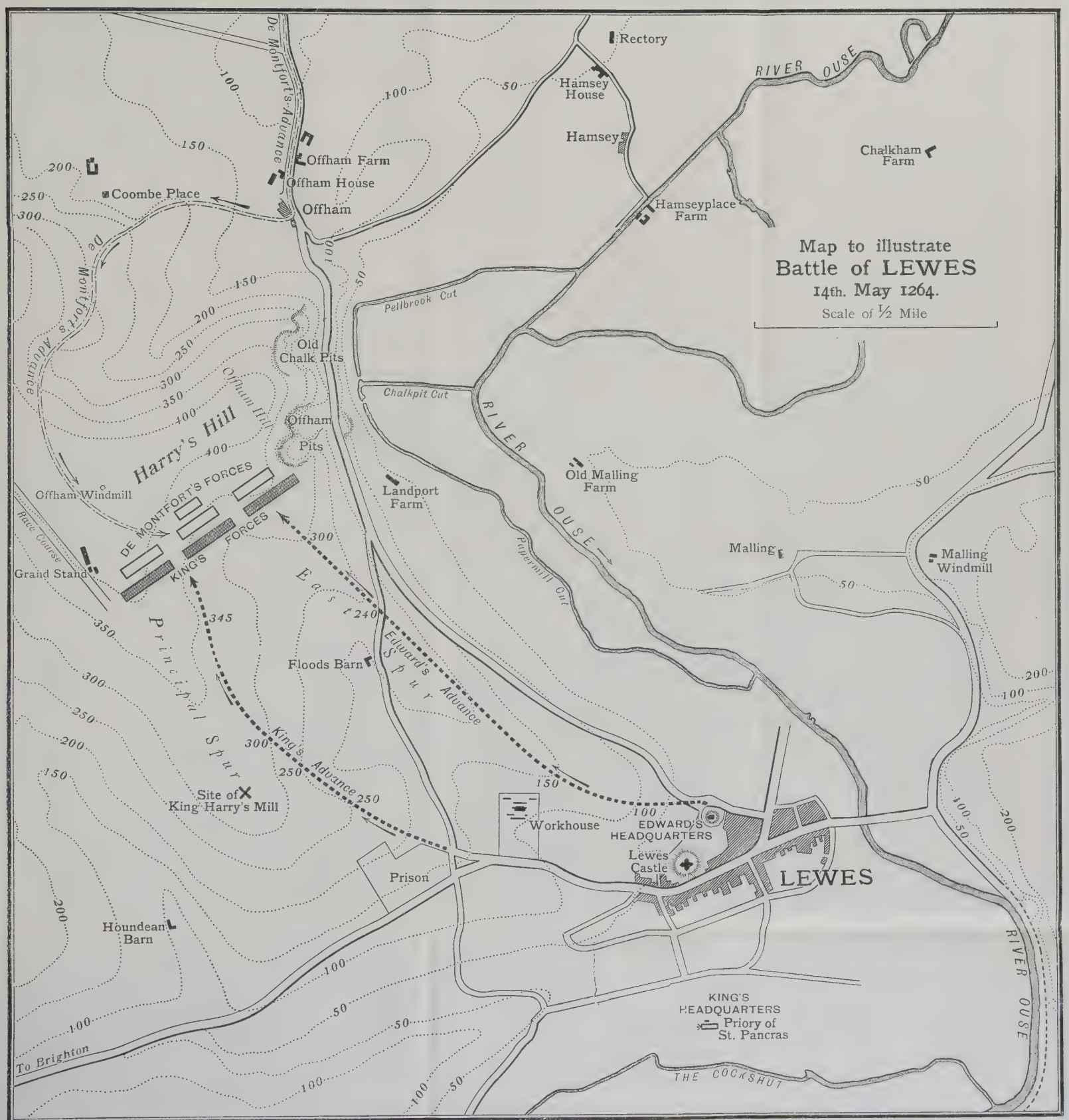
Site of Lewes.

Lewes is situate in a gap of the South Downs, pierced by the Sussex Ouse on its way to the sea. The town stands on the right bank of the river, being built along a narrow steeply sloping ridge, a spur of the Northerly Down; the gradient is shown by the fact that within the space of two miles the *arête* or crest of the ridge makes a descent of 400 feet from the summit of the Down to the banks of the river, the flanks of the ridge being much steeper. Another spur, separated by a hollow, follows a parallel course on the North-East side of the town. The castle, a fine mound-fort, of the Danish type, with masonry additions, rises boldly on one side of the principal street. Round Lewes and the spur on which it stands the Ouse makes something of a bend; between this bend, and marshy ground, and tributary brooks to the South, the town is protected by water for fully half its circumference; on the other side it is dominated by the Downs.[4] Thus for defensive purposes Lewes could boast of considerable advantages. But for a pitched encounter with an enemy coming from the North no worse battlefield than the slopes above the town could well be found. Simon of course had noted these facts, and resolved to come down on the Royalists before they could escape from their trap.

Simon's March to Lewes.

By sunrise (4.14 a.m.) on the morning of Wednesday, 14th May, the Barons had broken up their camp at Fletching.[5] Their march on Lewes, as far at any rate as the village of Offham, would follow the road through the Weald of Sussex, buried in woodlands, and still further screened from view from Lewes by the intervening Downs. At Offham the road, on reaching the slopes, turns slightly to the left to avoid them, and thenceforward is carried along the flank of the Downs overhanging the river, and so gradually down to Lewes. Had de Montfort approached by this narrow road he would have had to fight at every disadvantage. But Simon knew better. We are told that when within two miles of Lewes, leaving his

[1] M. Westm. II 494.
[2] Prothero, *De Montfort*, 272.
[3] Rishang. 31.
[4] See the plan.
[5] Rishang. 30; Wykes, 149; Dunstable, 232; Worcester, 451. The fragment from the Royal MS. above cited speaks of the Barons as issuing from Boxholt.


Map to illustrate
Battle of LEWES
14th. May 1264.
Scale of ½ Mile
De Montfort's Advance
Rectory
Hamsey House
Hamsey
RIVER OUSE
Chalkham Farm
Offham Farm
Offham House
Offham
Coombe Place
Hamseyplace Farm
De Montfort's Advance
Pellbrook Cut
Old Chalk Pits
Chalkpit Cut
Offham Hill
Harry's Hill
Offham Pits
RIVER OUSE
Old Malling Farm
Landport Farm
Offham Windmill
DE MONTFORT'S FORCES
KING'S FORCES
Race Course
Grand Stand
Papermill Cut
Malling
Malling Windmill
East
Edward's Spur
Edward's Advance
Floods Barn
Principal Spur
King's Advance
Site of King Harry's Mill
Workhouse
EDWARD'S HEADQUARTERS
Lewes Castle
LEWES
Prison
Houndean Barn
KING'S HEADQUARTERS
Priory of St. Pancras
RIVER OUSE
To Brighton
THE COCKSHUT

[To face p. 220.

baggage train under proper guard, he proceeded to ascend a hill, obviously the Down overlooking Lewes from the North. The baggage may be supposed to have been left in a quiet corner, at the foot of the hollow known as the Coombe, near the present Coombe Place.[1] Among the *impedimenta* left with the baggage was a chariot (*quadriga*) with the Earl's pennon appended to it. He had been using the vehicle on the march to save his leg ;[2] but the only occupants left in it were four unfortunate Londoners, Royalist suspects who had been compelled to accompany the Barons, virtual hostages.[3] Round the slopes of the Coombe hollow de Montfort would ascend by a trackway, such as may yet be seen, up to the summit of the Downs.[4] The Royalists, confiding in their number, had not troubled themselves to keep much watch on de Montfort's movements ; but an outpost had been stationed on the hill. When the Barons came up all but one of the men had gone off duty, the remaining sentry was found asleep.[5] At that time, apparently, the Northern slopes of the Downs, as well as the low Weald lands, were clothed with wood, as we hear that the Barons, on emerging from the bushes at the top, came in sight of the Priory tower.[6] The Priory was established on low ground at the Southern end of the town, and the Tower would become visible from the heights, about the level of the present racecourse Stand. An immediate advance by the Barons would have caught the enemy altogether unprepared, almost in their beds, we are told.[7] But Simon scorned to take such an advantage of his opponents.[8] On coming in sight of the Priory tower he at once dismounted[9] and called a halt. He found himself on a field perfectly suited to his requirements, a broad open Down, with a front of about half a mile in width, between the site of the Grand Stand on one side, and the Offham chalk pits on the other side, and protected on either hand outside those limits by precipitous slopes, with the spurs and hollows already described running down before him to Lewes.

He prepares for action.

[1] "In planitie" ; J. Hemingb. 317. The Westminster Chronicler makes Simon drag his baggage up the hill, which is absurd. Rishanger is confused, at p. 31 he says "infra montem," and at p. 32 "supra montem."

[2] Rishang. 31 ; Wykes, 149, 150.

[3] Id. and Chronn. Melrose and Lanercost. The Londoners were said to be the men who had planned the capture of de Montfort in Southwark ; Rishanger, *Chronica*, 20.

[4] See map. On this and other points I agree with Mr. Blaauw and Mr. Prothero.

[5] J. Oxnead, 221.

[6] J. Oxnead, 221, 222. The Priory of St. Pancras, a Cluniac foundation, was destroyed at the Dissolution.

[7] "Ac si eos comprendere proponerent in grabatis" ; Wykes, 149 ; R. Gloucester, 749, "Abedde aslepe."

[8] So Waverley, 357.

[9] Oxnead, sup.

On this vantage ground he resolved to await the Royalist attack if they should choose to climb the hill to assail him.[1]

Meanwhile he set his forces in array, making four bodies of them. On the left he placed the Londoners under Nicholas Segrave, Geoffrey Lucy and Henry of Hastings; the centre was given to the Earl of Gloucester, with John Fitz John and William of Montchensy; and the right to his own sons, Henry the eldest and Guy the third, along with the younger Bohun and John de Burgh, the last a grandson of the great Justiciar. The fourth body he kept as a reserve under his own command.[2] We are told that he extended his wings to hem in the enemy as much as possible, even sending men round to fire the town in their rear.[3]

His Dispositions.

In all these arrangements de Montfort showed consummate generalship. As the enemy were evidently preparing for battle he offered up a prayer, made a short address to his men, and knighted several of his younger followers. Among those so honoured were the Earl of Gloucester and his brother Thomas, Robert de Vere Earl of Oxford, recently come to the title, Hastings and de Burgh.[4]

Knights Dubbed.

Meanwhile the Royalists, nothing doubting of success, were setting their forces in order. The right wing, or post of honour, was given to Edward, who was quartered at the Castle, towards the Northern end of the town, with the Earl of Surrey, William of Valence, Guy of Lusignan, and Hugh Bigod to support him; the King of the Romans and his son Henry were placed in command of the left wing; while King Henry with his Dragon banner filled the centre. No reserves were kept in hand.[5] The two Kings may be assumed to have marched out by the High Street, following the main spur towards the racecourse, and deploying to the right when within proper distance of the enemy. Edward's horses would presumably be picketed in the grassy hollow at the foot of the castle, below the present Workhouse. It is possible therefore that he may

Royalist Dispositions.

[1] The site is locally known as "King Harry's Hill." In placing the action there I agree with local tradition and the Ordnance Survey Map. Mr. Prothero places the battle at the outskirts of the town (see his map), and Mr. Blaauw does the same. He also puts the Barons' baggage on the top of the hill, and separates their left from the rest of their army by arranging it on the Eastern spur; 172, 175, 187. Mr. C. Pearson, while placing Edward's attack on the Londoners on the heights as I do, fights the rest of the battle near the gaol, a mile off, a most funny arrangement.

[2] W. Hem. 315; Gervase, 237; Dunst. 232.

[3] Oxnead, sup.

[4] Gervase, II 237; M. Westm. II 465; Hemingb. sup.; Waverley, sup.; Rishang. 51; Worcester, 451; Ann. London, 63. Mr. Blaauw places the knighting on the previous evening, but the authorities are clear against that.

[5] Hemingb. 315, 316.

have taken an independent line up that hollow, and thence along the Eastern spur of which we have spoken. Anyhow, ascending the hill he found himself confronted by the hateful Londoners, who had insulted his mother. Falling on the burgher ranks in cavalier style he overwhelmed them at a blow, driving them down the reverse slopes, past the chalk pits down to Offham, and so on to Hamsey Church. There it would seem that a party seeking to elude pursuit by crossing the swamps to Malling Mill were run down and cut off. Near that place upwards of eighty were killed, and buried in a pit that was discovered in lowering Malling Mill; while numerous skeletons have been found buried above Offham chalk pits.[1] The merciless pursuit was kept up for two or three miles. On the return, the place where Simon's baggage had been left was discovered. A hot contest ensued, the sight of the Earl's pennon on the chariot suggesting the hope that he might be there. But the only occupants found to be slaughtered were the Royalist citizens.[2]

Simon's Left overwhelmed by Edward.

His headlong Pursuit.

When at last Edward and his followers returned from the slaughter, men and horses alike spent, it was to find Lewes in flames, his uncle a prisoner, his father in sanctuary, and the battle lost and won. His own followers, Surrey, the two Lusignans and Hugh Bigod, boldly pushing on, cut their way through the town, and so got across the bridge to their stronghold at Pevensey, from whence, eventually, they took ship to France.[3] Edward refused to accompany them. Powerless to renew the struggle, but unable to desert his father, he resigned himself to taking shelter with the Friars Minors.[4] With respect to his isolated action in the battle we must bear in mind that the divisions of mediaeval armies acted very independently of one another, and that Edward in his impetuosity may have dispersed the Londoners before the King came up.

Loses the Battle.

As for the principal engagement we are told that Leicester in the first instance concentrated his attack on the Royalist left, continuing his assaults till he had demolished it. We hear of mounted horsemen engulfed bodily in swamps while endeavouring to escape;[5] and one of the King's leading barons is specially named as having been drowned. The marshes must be sought for to the west of the town, a mile from the battlefield. Thus

The Main Battle.

[1] So Mr. C. H. Pearson in his Appendix to the edition of Mr. Blaauw's book, 354, 356.

[2] Hemingb. 316; Rish. 34; M. Westm. makes the pursuit extend to four miles, 496; so too Trevet, 260.

[3] Wykes, 151, 152; Wav. 357; Worcest. 452; Rishang. 33; Ann. London, 64.

[4] Waverley, 357; R. Glouc. 750; Ann. London, sup.

[5] Chron. Lanercost, 74. The writer had his information from one who was present.

the Royalist left would have been cut off from the centre. This part of the King's army being less pressed, at first made some advance, and actually took a prisoner, John Giffard of Bromfield, a very active partizan. But when the left had been driven off the field the fate of the centre was sealed. Henry, though not a man of war, had held his ground manfully; his horse was killed under him; but his attendants managed to get him back safely to his quarters at the Priory.[1] That the pursuit and slaughter were kept up to the entrance of the town seems proved by the discovery near the present gaol, under the Brighton road, of three pits filled with human remains.[2] The King of the Romans had sought for shelter in a windmill[3] where he was found and forced to surrender. The popular writers make the most of the incident.

Henry holding his Ground.

The King of Romans in a Windmill.

"*Descende molendinarie!*"[4]

"The King of Alemaine was in a windmule inome."[5]
The Kyng of Alemaigne wende do full wel
He saisede the mulne for a castel,
With hare sharpe swerdes he ground the stel
He wende that the sayles were mangonel
To help Windesore.

. . . . . .

The Kyng of Alemaigne gaderede yo host
Maked him a castel of a mulne post."[6]
Etc., etc.

Philip Basset, the ex-Justiciar was said to have received twenty wounds, and only owed his life to the intervention of his rival and son-in-law, Hugh le Despenser.

Prisoners taken.

"Sir Philip Basset the gode Knigt, worst was to overcome,
He hadde mo than twenti wounde ar he were inome."[7]

The list of prisoners taken included the Earl of Hereford, Roger Mortimer, John Fitzalan, Earl of Arundel or Sussex, William Bardolf, Henry Percy, Roger Clifford, Roger Leyburne, Philip Basset, Hamond L'Estrange; also three lords from North Britain, still spoken of under its old name, "Albania" or Alba, namely Robert Bruce, John Balliol and John Comyn of Badenoch (the elder Red Comyn), names destined to be closely associated in the near

[1] Hemingburgh, 315–317; Rishang. 32–34; Dunst. and Worcester, sup.

[2] Blaauw, Append. 357.

[3] "Molendinum quod vi ventorum dicebatur molere"; Chr. Melrose.

[4] Chr. Melrose, 196.

[5] R. Glouc. 750.

[6] *Pol. Songs*, Wright, 69 (Camden Socy.). The mill became known as "King Harry's Mill," as the battlefield was "King Harry's Hill." I have marked the site pointed out to me as that of King Harry's Mill.

[7] Rishang. 33; Worcester, 452; R. Glouc. sup. Basset was father of Aline married to Hugh; Stubbs, *C.H.* II 86.

future. The leaders as usual were saved, but no grace was found for their hapless followers.[1]

The confusion in the town between fire and pillage, with little to distinguish the conquered from the conquerors, may well be imagined.[2] As for the battle, it was certainly a most signal exhibition of foresight and skill on the one side, and of presumption and rashness on the other side.

Leicester, with his usual consideration, allowed Edward to communicate with his father, Friars acting as intermediaries. The result was that during the night a convention was signed, well known as 'The Mise of Lewes.'[3] The actual text has not been preserved, but a sufficient abstract seems to be given by the chroniclers. Of course Simon had to consent to yet another arbitration, a reference to arbitration being seemingly the only point to which both parties could be induced to agree. The Archbishop of Rouen, and Peter the Chamberlain of France, a man already proposed by Henry as arbiter,[4] would represent the King, while the Bishop of London and Despenser would speak for the Barons. The umpire named was Cardinal Guy Foulquois, Archbishop of Narbonne, a Papal Legate commissioned at the very time to anathematize Simon and all his works. Thus again the casting vote was secured for the King.[5] But to purchase this concession Edward and his cousin Henry had to surrender themselves as 'hostages for the peace' (*obsides pacis*), i.e. as guarantees against the resumption of hostilities by their adherents,[6] and, generally, for the observance of the convention. But Simon, warned by experience, was careful to exclude certain fundamental questions from the scope of the arbitration. Under no circumstances would foreigners be eligible for post or office in England, nor should the arbiters meddle with any question concerning prisoners or the terms of their liberation; the King in all matters of state to be guided by his advisers without acceptance of persons.[7] Further requirements, extending beyond the scope of the mere arbitration, were that the King should be moderate in his expenditure till his debts were paid; that the great Charters and Provisions of Westminster should be

"Mise of Lewes."

[1] Dunstable, 232; Hemingb. 316; West. 496.

[2] Heming. sup.

[3] "Statutum . . . quod quidam Misam Lewensem . . . nuncupabat"; Wykes, 152; West. 489.

[4] See *R. Letters*, II 149, 154.

[5] See *R. Letters*, II 149, 154, etc.

[6] "Tanquam obsides . . . pro Marchiensibus et aliis qui in ipso bello captivati non fuerant"; Wykes, 152; so too the *Liber de Ant.* and M. West. This point is important. The popular view as represented by Hemingburgh, 318, and Ann. Winton, 102, was that the two young princes had surrendered themselves in exchange for their fathers, who, notwithstanding, were not set free.

[7] "Quod rex credat suis consiliariis."

observed; and that an amnesty should be granted to Leicester, Gloucester, and all their followers. Lastly, the arbitration was required to be held in England, and closed by Easter, 1265.[1] Here once more we have clearly disclosed the essential points of the Provisions of Oxford and the policy of Simon de Montfort, namely, Ministerial responsibility and the exclusion of foreigners.

> "Iam respirat Anglia, sperans libertatem
> Cui Dei gratia det prosperitatem." [2]

[1] Rishang. *de B.* 37; cnf. *Liber*, 63, who gives a totally different set of arbiters.
[2] *Carmen de Bello*, p. 1, Kingsford; 72, Wright.

CHAPTER XIV

HENRY III (*continued*)

A.D. 1264–1265.

Government of de Montfort in the name of the King—Knights of the Shire again—New Constitution—A Triumvirate—Struggles with Royalist Opposition—Borough Representatives in Parliament—Sham Liberation of Edward —His Escape—Campaign and Battle of Evesham—Fall of de Montfort.

ALL England now lay at de Montfort's feet. But again the hour of victory was the hour of difficulty and perplexity. He had before him the task of conducting the administration of the Kingdom, as a self-constituted *Maire de Palais*, in the name of a most reluctant King, with the major part of the ruling classes of the country in bitter opposition, and smarting under the sense of humiliation and defeat. The clergy and middle classes were doubtless with Simon; but the loyalty of the nation might revolt at the sight of the King being held in too palpable subjection.[1] The incarceration of the whole Royal Family also could not but excite hostile comment. Lastly Leicester had to consult a young and inexperienced colleague. The undertaking was a hopeless one, but the Earl faced it manfully, trusting to the eventual acceptance of his policy by the nation. He had gone too far, and done too many things that could never be forgiven to draw back.

De Montfort's Position and Difficulties.

On the 15th May, the day after the battle, the Mise of Lewes was published; next day Edward and Henry of Allmaine placed themselves in de Montfort's hands. On the Saturday, 17th May, the whole Court circle moved to Battle, and Henry issued orders for the liberation of the prisoners taken at Northampton, to be exchanged for those taken at Lewes, 'man for man' (*prisonem pro prisone*); at the same time Henry disbanded his remaining forces, ordering all castles to be given up to de Montfort's agents. The garrison at Tonbridge refused to be disbanded, and marched off defiantly to Bristol, there to hold out till times were changed.[2] On the 20th May Henry was taken to Canterbury, and on

Movements of the Court.

[1] "Sicut tutor pupillum"; Wykes, 153, who is very bitter on this point.

[2] Hemingb. I 318, 319; *Fœdera*, I 440, 441. William of Say, a fugitive from Lewes, joined the Tonbridge garrison.

the 25th to Rochester. Peace was then proclaimed, and Edward and his cousin Henry were sent to Dover, under the charge of Henry of Montfort, their foreign attendants being shortly sent packing out of England. On the 27th May Simon de Grey was induced to yield Rochester Castle; and next day Henry entered London, being again established at St. Paul's, with a reduced household, while his brother was sent to the Tower.[1]

Administrative Measures.

A series of important orders were now issued in the King's name. On the 4th June writs were issued appointing trusted partizans as Wardens of the Peace in some thirty counties, to control or supersede the authority of the Royalist sheriffs appointed in the previous year. They were instructed to suppress all disorders, and to prohibit the carrying of arms without royal licence. A more interesting and important order was that to return four elected knights from each county, to represent the shire in a Parliament to be holden in London on the 22nd June. The unfortunate Jews of London and Northampton, spoken of as still afraid to leave their refuges, are taken under the King's special protection—Simon was more careful of them now than he had been two months before.[2] The Chancellor and scholars of Oxford had already been restored to their Academic seat.[3] On the other hand Edward's devoted wife, Eleanor of Castile, was required to leave Windsor Castle with her baby daughter, her first-born, Eleanor, and was brought to Westminster. The measure may have been necessary, but it had a harsh appearance.[4] It certainly shows how thorough de Montfort was in his purpose of crushing opposition.

Knights of the Shire to be returned.

The reappearance of Knights of the Shire—country gentlemen—in Parliament invites comment. Henry had called for them in 1254 in the hope of obtaining money. The Oxford Provisions of 1258, so far from extending the action of Parliament, had proposed to supersede its sittings by those of a standing committee. But in 1261 de Montfort had summoned country representatives to meet him at St. Albans.

Development of Policy.

The change from the measures of 1258 to those of 1261 and 1264 indicates a rapid development of policy on his part.[5] Again it has been asked whether Simon's new policy should be regarded as that of a genuine reformer, or merely that of a revolutionary chief in difficulties.[6] Both aspects of the case in

[1] Gervase, Cont. II 238; *Fœdera*, sup; *Liber*, 63.

[2] *Fœdera*, I 442, 443.

[3] R. Pat. 48 H. III 12; Pauli; Osney, 141.

[4] *Fœd.* sup. The child must have been born in the spring; Green, *Princesses*, II 276.

[5] So Bishop Stubbs points out, *Const. H.* II 94.

[6] Shirley, *Quarterly Review*, vol. 119, p. 55.

our opinion should be taken into consideration. That Simon had an honest feeling for the rights of the lower orders he had distinctly shown both in Languedoc, as we have seen, and in the Westminster Provisions. That he was in great difficulties cannot be doubted. Such being the case, he turned to the quarter from which he might best expect support.

County Representatives in Parliament.

At the appointed time the Parliament duly met. It must not only be noted as the first undoubted assembly in which county representatives appear to take part in the general business of the session, but also as marking a certain era in the history of the House of Lords. The writs of summons addressed to the individual Barons for this Parliament are the first that have been preserved on record,[1] and so have been regarded by our Peerage books as roots of title to all the baronies represented in the Parliament, these and all others from henceforth being regarded as held by virtue of such writs—"Baronies by Writ"—all previous baronies being treated as "Baronies by Tenure."[2] But the change in question must be referred to the ensuing reign. There is no reason for supposing that the higher barons had not been previously summoned by personal writs. Magna Carta required them to be so summoned. We should regard the preservation of the writs to be merely due to the growing practice of recording official acts, and the general development of official routine.

Baronial Tenure.

Of the deliberations of the Parliament, no record has been preserved. But a scheme of government was accepted that must have been produced, cut and dry, by de Montfort. In two words it established a Triumvirate, but a Triumvirate appointed by and responsible to Parliament. Three Electors would be chosen, who would be authorised by the King to name nine counsellors, by whose advice he would be guided in all his appointments of Ministers and Officers, great and small, and in all executive acts whatsoever: three of the Nine to be always in attendance on the King. If any one of these should misconduct himself (*male versatus fuerit*) or if a change should seem desirable, the King, by the advice of the Three, would substitute another. If the Nine should fail to come to an agreement about anything, reference to be made to the Three. If the Three should fail to agree, the voice of two to prevail, one of the two being a bishop in all matters concerning the Church. Lastly if the Barons in Parliament, spiritual and lay, should think that a change in the Three was desirable, the King, by the advice of such Barons, would appoint a fresh Elector or Electors, no voice in this matter being given to the Knights of the shire.

Parliament.

Triumvirate established.

[1] *Lords' Report on Dignity of a Peer*, 142 (1819).

[2] See H. Nicolas, *Historic Peerage*; and G. E. C., *Complete Peerage*.

The Provisions of Oxford had not fixed any limit to the time during which their regulations should continue in force. The preamble of the new scheme announces it as intended to last during all the reign of Henry, and possibly during part of the reign of Edward, in fact, 'until the arrangements of the Mise of Lewes should be completed.'[1] In the operative part the measure is declared to last 'till the arrangements of the Mise of Lewes had been carried out by common accord, or some other arrangement effected by common accord.'[2] The scheme, in short, would last until the state of parties was such as to allow of a return to a more normal condition of things. During Henry's reign there could be no hope; but a hint was given to Edward that the new system might have to be extended even into his reign. Supplemental orders made provision for the 'amendment' of clerical grievances by a committee of bishops; for the observance of the Charters and the Provisions of Westminster. It was specially provided that none but natives should be eligible for posts under the government, but in other respects the fullest liberty of ingress, egress and sojourn is extended to all foreigners, clerical or lay, for all lawful and peaceable purposes, including the right to occupy lands and benefices bestowed on them by the King. Both Henry and Edward were required to give in their adhesion to this scheme. Of the three Electors, as might be anticipated, two were de Montfort and Gloucester, the third being Stephen Berksted, Bishop of Chichester,[3] a man of high character, who had been chaplain to the sainted Bishop Richard de la Wyche of Chichester.[4] The names of the Nine are not given, but Peter of Montfort, John St. John and Giles of Argentine must have been amongst them,[5] Hugh le Despenser continued Chief Justiciar, and Nicholas of Ely Chancellor.[6] Boniface was summoned to return to resume his archiepiscopal duties,[7] while lastly a fresh set of sheriffs were appointed to act along with the Wardens of the Peace.[8]

Foreigners excluded from Office.

These measures evinced as much moderation as was compatible with the retention of sovereign power; but events soon showed how critical

[1] "Quousque pax inter dictum dominum regem et barones apud Leues per formam cujusdam misæ prælocuta compleretur."

[2] "Donec misa apud Lewes facta . . . fuerit concorditer consummata; vel alia provisa quam partes concorditer duxerint approbandam."

[3] *Fœdera*, I 443, 444; *Select Charters*.

[4] Stephen was consecrated 24 September, 1262; *Reg. Sacr.* "Vir summæ simplicitatis et innocentiæ"; Wykes, 312.

[5] Stubbs, *C.H.* II 95.

[6] Foss, II 316.

[7] *Fœdera*, sup. He did not reappear till September, 1266.

[8] See *List of Sheriffs*. Writs are addressed to the sheriffs and wardens conjointly; *Fœdera*, 455.

The King's Friends at work.

the situation was: Guy Foulquois, the Legate, was threatening excommunication unless he should be allowed to come to England. An agent of his, demanding permission to see the King, had been arrested at Dover on the 20th May.[1] The Queen, with her son Edmund, supported by her uncles Boniface and Peter, by the Earl of Surrey, and all the other exiles, was making every effort to equip an armament in Flanders for the invasion of England.[2]

De Montfort was ready for his adversaries at all points. A meeting of bishops and others was held at St. Paul's, when the Bishop of Worcester was directed to enter a provisional appeal against any proceedings by the Legate, on the ground that the English Episcopate were prepared to deal with all persons found guilty of outrages on the Church during the recent troubles.[3] Peremptory writs were issued to the Southern counties calling for levies to meet in London by the 3rd August; not only were the military tenants summoned, but also every township was required to send its quota of footsoldiers, armed according to the requirements of the Commissions of Array, with pay for forty days provided locally—a perfect Fyrd.[4] The men of the Cinque Ports were directed to be active in patrolling the Channel, a welcome duty, but not one favourable to the course of trade.[5] With the consent of the bishops a Tenth was demanded of the clergy 'for the good of the realm'; while for immediate necessities wool was seized at the ports. Yarmouth, Ipswich, Dorchester, Corfe were placed in trusty hands.[6] Henry was made to write to Louis warning him that armed attempts on England might be fraught with peril to his, Henry's, son and nephew, hostages for the maintenance of peace; the French King is further pressed to give his sanction to the Mise of Lewes, the agreement having already been laid before him—and to send envoys to Boulogne for a conference to facilitate the execution of its provisions.[7]

Counter-Measures.

Under alarm of foreign invasion England freely gave her men and her money at Simon's call. A considerable force was marched to Barham Down near Canterbury, the King being taken there to encourage them. But no further effort was required of the levies. Foul winds or the diplomacy of

Invasion repelled;

[1] Gervase, II 239.

[2] Dunstable, 223; Wykes, 154; Rishang. 35; *Liber*, 67. Eleanor evidently endeavoured to raise money on the royal interests in Gascony; *Fœdera*, 448.

[3] July; Gervase, Cont. II 239.

[4] July 7, 8; *Fœdera*, 444; *Liber*, 67. Writs were issued later to the Northern counties; *R. Letters*, II 271.

[5] See the letter of the Countess Margaret of Flanders, *R. Letters*, 273; Wykes, 157.

[6] See *Fœd.* 445, 457; *R. Letters*, 231; Wykes, 154; Worcester, 453; Dunst. 233.

[7] *R. Letters*, II 257.

de Montfort kept Eleanor's men idle at Damme till her funds were exhausted, and then the armament broke up.[1]

The diplomatic campaign proved equally barren of results. Simon, professedly at Henry's urgent request,[2] was induced to send the Bishops of London, Winchester[3] and Worcester, with Hugh le Despenser, Peter of Montfort, and Richard Mepham, Archdeacon of Oxford, to Boulogne, as envoys and arbitrators, under joint authority from the King, Gloucester, and himself. Their instructions authorized any two of them to consider the *Mise* in concert with Charles of Anjou and the Abbot of Bec, or failing these, with Charles of Clermont and Peter the Chamberlain, with the Archbishop of Rouen as umpire, and to amend any point in the *Mise* that they might think needed amendment, save and except the question of the employment of foreigners; their decision to be final, and enforced by the authority of the Legate.[4]

but Papal recognition of Simon's Government not obtained.

The mission failed utterly. The populace of Boulogne mobbed the English, and killed some of their attendants.[5] Guy would not listen to a word in favour of the *Mise* or of the Provisions of Oxford. Already on the 12th August he had declared the Earls of Leicester, Gloucester and Norfolk, Hugh le Despenser, and all their adherents, including the Londoners and the men of the Cinque Ports, excommunicate, if they did not allow him to come to England by the 1st September; their lands would be laid under Interdict; while a novel penalty was added in the shape of a prohibition of all commercial dealings with them—an attempted "Boycott." Further they were required to reinstate their King in all his pristine authority, to set free the hostage princes, and to abjure the Provisions.[6] The only further pronouncement that he now saw occasion to utter was an order to the English Bishops to return to England and publish the sentence. Unable to offer direct resistance they entered a fresh appeal, and recrossed the Channel, to be duly searched on landing at Dover, when the obnoxious parchments found upon them were seized and destroyed.[7] Their proceed-

[1] M. Westm. II 499; Wykes, 155.

[2] See *R. Letters*, II 261–263. July 27–31. It is not always easy to distinguish letters written for Henry, from letters written by him; these seem his, but there can be no doubt of Simon's anxiety to come to terms.

[3] John Gervais, consecrated at Rome 10 September, 1262; in succession to Aymer of Lusignan, who died 4 December, 1260.

[4] *R. Letters*, 274; *circa* 1 September; *Fœdera*, 446, 447; 11 and 13 September. Henry of Allmaine was sent over in advance under heavy bail; *Fœd.* 446; 4 September.

[5] Westm. 501; *R. Letters*, 278.

[6] See the sentence as renewed on the 20th October at Hesdin; *Fœd.* 447, the original having been destroyed.

[7] Westm. sup.; Wykes, 156; Rishanger, 39; Dunst. 234; Ann. London, 64, 65.

ings were fully endorsed by their clerical brethren, who met in Synod on the 19th October, and adopted and renewed the appeal to Rome.[1] The allegiance to the Papacy in England now was only shown in resistance to its action. But Simon's anxiety to effect an arrangement is shown by the fact that even after the repulse at Boulogne Peter of Montfort was instructed to treat with the Legate.[2] But Guy, not to be beaten, was re-publishing his idle anathemas at Hesdin.[3] But it was all too late. His authority had expired, Urban having passed away on the 2nd October. Guy hastened to attend the Conclave, shortly to be raised to the Papal Chair under the style of Clement IV.[4]

The attacks from abroad had been resisted and repelled. But in spite of Simon's efforts the spirit of the Royalist opposition had not been subdued, nor internal order restored. In August de Montfort had been obliged to call his own follower, Robert Ferrars, Earl of Derby, to order for his lawless proceedings.[5] The refractory March Lords occupied a strong position, having a number of castles between Bristol and Chester, both of which towns were held defiantly in Edward's name. In October or November Clifford Leyburne and Mortimer seized Gloucester and Bridgenorth; another party, doubtless hailing from Bristol, occupied Marlborough, and made a bold push to liberate "Sir Edward," who had been transferred from Dover to Wallingford. The attempt, which was fraught with peril to the prince himself, failed, the fortress being well garrisoned, and held by the Countess of Leicester.[6] To quell these disorders Simon called out levies to meet at Northampton on the 25th November; while the offending parties were summoned to account for their proceedings before a Council to be held at Warwick; then again before a 'Parliament' to meet at Oxford on the 30th November.[7] Both citations having been ignored, Simon marched his forces to Worcester, with the King at their head. There they had to halt. The bridges over the Severn had been broken down, while their adversaries were arrayed on the farther shore ready for action. But the Earl had yet another shaft in his quiver. He had come to an understanding with Llewelyn, the natural enemy of the March Lords; and these found their

Internal troubles.

Royalists in Revolt.

De Montfort takes the Field.

Alliance with Llewelyn.

[1] Dunst. 234; West. II 501.

[2] 24 September; *Fœdera*, 447.

[3] *Fœd.* sup.

[4] H. Nicolas; Pauli. Guy was elected on the 5th February, 1265, and crowned "on the 22nd or 26th of the month."

[5] *Fœdera*, I 445; Waverley, 358; Dunst. 235.

[6] Dunst. 234; Rishanger, 40, 41; Westm. 503; Ann. London, 64; and for the attempt on Wallingford, R. Gloucester, II 751.

[7] Osney, 154; Dunst. 235.

position threatened by a Welsh attack from the rear.[1] Under these circumstances they had to submit to Simon's terms, which were that Mortimer, Clifford and Leyburne should surrender all their castles, and retire to Ireland for a year and a day.[2] But it would seem that their submission was accompanied by a certain undertaking on the Earl's part that the question of the liberation of Edward should forthwith be considered in Parliament.[3] On the 12th December they were allowed to see the King at Pershore,[4] from whence they were sent on to Kenilworth, to see Edward, who had been removed from Wallingford to Kenilworth.[5] On the 13th of the month Henry confirmed the popular Provisions of Westminster,[6] and on the next day the first batch of writs for "the great Parliament of 1265" were sent out.[7]

Insurgents brought to terms.

Question of Liberation of Edward.

Parliament of 1265.

The assembly met at Westminster on the 20th January, 1265, and, as finally constituted, comprised one hundred and twenty bishops, abbots, priors and deans; thirty-two barons, with two knights from every Shire and two Burgesses from every City and Borough. Knights of the Shire had already appeared twice in Parliaments; Borough Members were an entire novelty; and so the session presented the first complete Parliament that ever met in England. But it was not in reality a constitutional assembly. It was simply "a parliamentary assembly of the supporters of the existing government"; and de Montfort could not have ventured to summon any other body of men. Of the barons, the batch summoned in the first instance, twenty-three in number, included the Earls of Leicester, Gloucester, Norfolk, Oxford and Derby, all regular partizans of de Montfort. To these were subsequently added John and Eustace Balliol, Peter Bruce (of Skelton and Kirkby Kendal, cousin to Robert of Annandale), Robert Neville and other Royalist barons, brought to London under safe-conducts, evidently a concession to public opinion. The numbers of the clergy show how completely the Church was on de Montfort's side.[8]

Borough Representatives.

Character of the Parliament.

A letter of the 13th February sent in the King's name to the authorities in Ireland, where opposition was threatened, shows how carefully

[1] Westm. II 498, 503, 504; Rishanger, 40, 41.

[2] Id. and Osney, 106, 107; *Liber*, 70.

[3] So Dunst. 235, and Rishang. and Westm. sup. The other writers are silent as to any stipulation as to Edward; but the permission to visit him seems to confirm the Dunstable writer's statement.

[4] Patent Roll, cited Blaauw.

[5] *Fœdera*, I 449; Pat. 49 H. III m. 27; Pauli.

[6] So MS. Cott. Claudius D. II f. 125b; Statutes, I 11 note.

[7] *Fœdera*, 449.

[8] *Fœdera*, 449, 450; Stubbs, *Const. H.* II 96.

Simon and General Fairfax.

Leicester clung to the position that the persons responsible for all the troubles were the King's advisers. Speaking of the battle of Lewes, he refers to it as "*detestabile bellum.*" How the term 'hateful battle' could be applied to Simon's victory, in a document emanating from his chancery, remained a puzzle till comparison was invited with a letter written under similar circumstances by Fairfax to the men of Bristol, deploring "the unnatural war" forced upon him by "the King's evil councillors"—the very words that de Montfort might have used. Simon and the Cromwellian General asserted exactly the same view of their relations to their respective Kings.[1]

In anticipation of the Parliament, Simon, as if to give himself a position known to the constitution, assumed the style of Chief Justiciar, but without displacing Despenser.[2] A joint justiciarship was not without precedent. Under the reign of Henry II the office had been shared for years by Robert Earl of Leicester, and Geoffrey of Lucy.

Of the proceedings of the Parliament we know but little, though the sittings were prolonged to an unusual extent. And well they might be prolonged, considering that the assembly had been summoned to consider a concession fraught with peril to the existing Government and all its supporters. The liberation of Edward meant the renewal of civil war. De Montfort could not refuse to treat; yet it is clear that no guarantees that the Royalists could offer would induce him to surrender the precious pledge on which his very existence depended. The more they promised the less inclined he felt to trust them. Neither of the exiled Marchers had left the country. All had found shelter under the protection of the Earl of Gloucester, no longer in perfect accord with Simon. Gilbert complained that he and his friends were not allowed an equal voice in the conduct of affairs; that Leicester kept all the strongest castles, and the most important prisoners in his own hands; while some of his castles he had actually garrisoned with foreigners,[3] a most improper proceeding no doubt. In fact, as might have been anticipated, the Triumvirate was becoming a Dictatorate.

A difficult situation.

Gloucester breaking with de Montfort.

De Montfort did his best to disarm hostility, while retaining all power in his own hands. The Earl of Derby, a valuable supporter, was impeached in the King's name for his manifold offences, and sent to the Tower. But this very righteous act was utilised to inflame Gloucester's jealousy of his colleague's

De Montfort doing his best.

[1] See Mr. Round's article in the *Antiquary*, IX 14.

[2] De Montfort signs as Justiciar, 17 January; *Fœdera*, I 450; see Foss, II 154.

[3] Florence, Cont. II 193; Matt. Westm. III 1; Rishang. *Chron.* 32; Waverley, 358; Osney, 162; Ann. London, 65.

intentions.[1] On the 14th February Parliament was informed that the King had pledged himself to the confirmation of the Charters and the existing Constitution, that of the previous summer, and likewise to the grant of full amnesty for past acts to Leicester, Gloucester, the Cinque Ports, the Londoners, and all their followers.[2] On the 16th of the month letters in the King's name called the attention of Leicester and Gloucester to the urgent necessity of settling the terms of Edward's liberation. That sounded well, but the real point of the message was to forbid a tournament to be held at Dunstable by Thomas of Clare, Gloucester's brother, as against the sons of de Montfort.[3] A few days later the Seal was taken from Nicholas of Ely, and given to a nephew of the trusty Bishop of Worcester, Thomas Cantilupe,[4] afterwards Bishop of Hereford, "the last Englishman destined to attain to the Roman Calendar."[5]

A fortnight later a seeming arrangement for the deliverance of the two princes was effected, and confirmed in Parliament by Prelates, Lords and Commons[6] "with every security (on paper) that jealousy could devise." On the 10th March Edward notified the Kingdom that as he and his cousin had been given up as hostages for the observance of certain regulations for the government of the country, passed in the previous month of June, he had sworn to observe the same, and strictly keep the peace, remitting all grounds of complaint against Leicester, Gloucester, and their followers, binding himself to accept any terms for his liberation that might be settled with his father, and renouncing all persons who might attempt to break the peace, or disturb the said regulations, all under penalty of excommunication. He also bound himself to observe the two Great Charters with recent emendations.[7] On the same day the King sealed a receipt, declaring that his son and his nephew had been placed in his hands by Henry de Montfort.[8] Next day Edward and Henry of Allmaine were publicly handed over to the King in Westminster Hall, in the sight of all the people: and the ready-engrossed terms of their liberation were proclaimed aloud. As observance of the constitution of 1264 was the whole point at issue, its provisions were first read out, in full, in the official Latin. Edward's oath to observe them, as already taken, followed, in French, the par-

Edward subscribes the terms dictated for his Liberation,

[1] Wykes, 160; Ann. Wav. sup.; Ann London, 67.
[2] *Liber de Ant.* 71.
[3] *Fœdera*, 450; Dunstable, 238; Ann. London, 65, 67.
[4] 21 February; Foss, II 145.
[5] Shirley, sup. 54.
[6] "Assensu . . . prælatorum comitum baronum et communitatis regni nostri"; Henry's confirmation, *Fœd.* 453.
[7] *Fœdera*, 452.
[8] Id.

liamentary language of the period, together with the further conditions to which he had subscribed beforehand. These included the following. The King to admit to fresh homage and fresh allegiance the men whom he had 'defied' before the battle of Lewes, such homage and allegiance to be avoided by any subsequent breach of the stipulations on Henry's part; no foreigners to be introduced by the King or "Munsir Edward" without permission of the Council; Edward not to go out of England for three years from Easter, under penalty of utter disherison; five royal castles to be 'borrowed' (*enpromptera*) by Edward from his father, and made over as guarantees to 'the good men of the land' (*les prodes homes de la terre*), for a period of five years; no application for absolution, direct or indirect, to be made to the Pope. Lastly, Edward was required to make over to de Montfort the Palatinate of Chester, with its castle, and the castles of the Peak and Newcastle-under-Lyne, as absolute property, but only in exchange for other lands of equal value. Bristol would be surrendered as a pledge, but saving always the claims of the Earl of Gloucester to the custody of the place.[1] Nine bishops in full pontificals, candle in hand, again fulminated the ban of excommunication against all who should violate the constitution or the Charters.[2] Truth compels us to pronounce the whole affair a mockery and a sham, if not worse. Edward simply walked from one prison to another; Henry of Allmaine did not even change his keeper. We are told that he 'freely' replaced himself in the hands of Henry de Montfort, as a hostage for Edward,[3] 'but only till the 1st of August, or at most till the 1st November.'

and passes from one Prison to another.

The reader must have felt that the stipulation that Edward should 'borrow' castles of his father, for transfer to 'the good men of the land,' was a very odd one, suggestive of something behind. The five fortresses selected were Dover, Corfe, Nottingham, Scarborough, and Bamborough, and they were committed by the King to Edward on the 17th March.[4] But on the 5th April we have an order to Gloucester to deliver up Bamborough.[5] So that in all seeming the 'borrowing' by Edward was but a covert way of transferring castles from the custody of Gloucester to that of de Montfort. No wonder that Earl Gilbert retired from London before the end of the proceedings; he probably had supported the Marchers in their demand for the liberation of Edward; no wonder that we hear of an open

Castles 'borrowed' by de Montfort.

Gloucester finally breaks with de Montfort.

[1] 11 March, *Fœd.* I 451, 452; *Liber de Ant.* 72; Ann. London, 65, 66.
[2] *Liber*, 71. [3] "Sponte sua"; *Liber*, 72.
[4] *Fœdera*, 454.
[5] Rot. Claus. 49 H. III m. 6; Pauli. For Dover and Corfe, see Ann. Worcester, 453.

quarrel between the two Earls,[1] or that Gilbert's friends murmured indignantly that de Montfort, after all, was but a foreigner, who ought to have been excluded from all office, if either the Provisions of Oxford, or the Mise of Lewes had been honestly enforced.[2] The complaint, though founded on undeniable fact, was absurd. The charge of accumulating riches for private aggrandisement, commonly urged by the Royalists,[3] was equally wide of the mark. No improper acquisitions were brought home to de Montfort after his death, when his property was confiscated.[4]

Terms for 'liberation' of Edward enforced.

The other requirements of the agreement for the 'liberation' of Edward were carried out with equal conformity with the letter of the compact. On the 14th March the King published a confirmation of the terms of his son's delivery, releasing his subjects from their allegiance in case of any default either by himself or Edward.[5] On the same day he informed Louis that through the mercy of the Lord (*Auctore Domino*), his son had been set free.[6] On the 17th March and following days the Londoners were received to do homage to the King at St. Paul's.[7] On the 20th of the month Chester and the castles of Newcastle-under-Lyne and the Peak were conveyed to the Earl of Leicester in fee simple ;[8] while on the 8th May Simon duly made over the requisite lands in exchange from his estates in Leicestershire.[9]

Conscious of the insecurity of his position, De Montfort still struggled for a settlement through the mediation of France ; Henry of Allmaine was again entrusted with points to be pressed on Louis' notice.[10] It would seem that the conduct of his sons did not strengthen Simon's position ; at all events they contributed to widen the breach between their father and Gloucester. They proclaimed another tournament to be held at Northampton after Easter.[11] De Montfort forbad the encounter, and to enforce the prohibition

Simon's Sons and Gloucester.

[1] *Liber*, 73 ; Ann. Wav. 358 ; Ann. London, 67.

[2] *Liber*, sup. ; Rishanger, *Chron.* 32. For complaints of unfair partition of castles and offices, see Flor. Cont. II 193 ; M. Westm. III 1, etc.

[3] For this, see esp. Wykes, 153, 158. Bishop Stubbs points out that both objections had been raised against de Montfort at an earlier period by the Tewkesbury writer, a follower of the House of Clare, p. 180.

[4] So Pauli points out, I 784. Simon rendered accounts of the Cornwall estates under his charge ; Wykes, 153.

[5] *Fœdera*, 453 ; Waverley, 358 ; Dunstable, 236.

[6] *R. Letters*, II 280.

[7] *Liber*, 73.

[8] *Fœdera*, I 454.

[9] Pat. 49 H. III, cited Pauli.

[10] Safe-conducts for envoys from France, *Fœd.* 453 ; March 15. Extension of leave of absence to Henry, Id. 455, May 18.

[11] 14 April, Dunst. 238, 19 April, Ann. Lond. 67 ; Wykes, 161, 162. In 1265 Easter fell on the 5th April. See also Hemingburgh, I 319.

went down to Northampton, of course taking his Royal hostages with him.[1] Gloucester shunned the meeting, and retired to the Welsh March. Simon became so dissatisfied with his attitude that he followed him to Gloucester, and from thence to Hereford,[2] resolved if possible to bring him to a friendly understanding.[3] On the 10th May he heard that the Earl of Surrey and William of Valence had landed at Pembroke with six-score men-at-arms.[4] On the 12th May, however, according to de Montfort, Gloucester was induced to assent to an arbitration, with the Bishop of Worcester, Hugh Despenser, John Fitz John and William of Montchensy as arbiters—all the four by the way being partizans of de Montfort;[5] on the 15th May writs were issued for an assembly of prelates and magnates, to meet at Winchester on the 1st June[6] doubtless in connexion with this business; while on the 20th of the month, Simon ventured to proclaim that Gloucester and he were at one in all things.[7]

Efforts of Simon.

Eight days later Edward slipped his chain,[8] and the game was up. Gloucester, far from being reconciled to de Montfort, was practically blockading Hereford on three sides, and keeping Simon pent up within its walls.[9] Edward had probably arranged his plans four days before, when Clifford and Leyburne were allowed to visit him.[10] In the afternoon of Thursday, 28th May, he obtained leave to ride out for an airing, in the meadows on the North side of the city, in the company of his keepers, namely Thomas de Clare, his bed-fellow, Henry de Montfort, and Robert de Ros. Under pretence of testing the merits of their respective steeds Edward kept his attendants riding races till their horses were exhausted. A little before sunset a horseman on a grey charger appeared on Tillington Hill and waved his cap.[11] The prince caught the signal, and, setting spurs to his horse, an animal provided by his friends, galloped off with de Clare and five other men who were in the secret. Mortimer was waiting for them in a wood, and took the

Escape of Edward from Simon's hands.

[1] Id. and Rish. *de B.* 42. The King signs at Northampton on the 11th April; *Fœdera.*

[2] Henry signs at Gloucester on the 29th April, and at Hereford on the 8th May; Fine Rolls.

[3] Waverley, 361; Dunst. sup.

[4] *R. Letters*, II 282.

[5] Waverley, 361; *Liber*, 73; Fitz John was son of John fitz Geoffrey, the man of 1258.

[6] Lords' Report, III 36; Stubbs.

[7] *Fœdera*, 455.

[8] 28 May; Id.

[9] Wav. 362; Wykes, 162.

[10] Pat. 49 H. III m. 14; May 24; Pauli; and Blaauw, *Barons' War*, 262.

[11] Lingard.

party to Wigmore.[1] From thence Edward was taken to meet Gloucester at Ludlow, where they came to a complete understanding, the prince pledging himself to observe all the good old laws and customs of the realm, and to do his best to induce his father to remove all foreigners from Council and office, and allow himself to be entirely guided by native advisers, thus adopting de Montfort's watchword, and taking the wind out of his sails.[2] On the 30th May Simon, in the King's name, sent out a circular to his partizans, informing them of Edward's flight, supposed to have gone to Pembroke, to join the exiles, and assist in the introduction of foreign mercenaries; he begs his friends to meet with all speed at Worcester, not expressly for operations against Edward, but only against Warenne, de Valence, and the rebel Marchers.[3] On the 8th June, Leicester, still at Hereford, and speaking in the King's name, issued writs to all the sheriffs and Wardens of the Peace, denouncing Gloucester for having seduced Edward, and altering the tryst from Worcester to Gloucester; while next day, unable any longer to keep up the pretence that he was not at war with Edward, who was assailing the city of Gloucester, he called on the bishops to excommunicate him for his breach of his London oath.[4]

Is received by Gloucester, and proclaims Simon's policy as his own.

Simon reluctantly denounces Edward.

Men from various quarters had flocked to the prince's banner, including the noted John Giffard of Bromfield, held the best soldier in England, next to de Montfort, who, in fact, had been on his side down to the close of the recent Parliament. Warenne, Hugh Bigot, and de Valence had effected a junction with them. Wisely beginning by strengthening their hold on the Welsh March, they quickly made themselves masters of Chester, Shrewsbury, and Bridgenorth. From thence they advanced to Worcester, which again received them without demur.[5] The Beauchamp interest there would be all for the King. At Gloucester, we are told, 'their war began.' De Montfort, who was lying at Hereford, reduced to inactivity, apparently, by hostile surroundings, and the line of the Severn, with its broken bridges at his back, had nevertheless sent a timely reinforcement to Gloucester under de Ros and de Vescy. The town fell in two days, but the castle held out for some three weeks, at the end of which time the garrison was allowed to march out with

Successes of Edward on the Welsh March.

[1] Wykes, 163; W. Hem. I 321; Rishanger, *de B.* 43; and the proclamation issued in the King's name, *Fœd.* 455. The reader will notice that de Montfort had been forced to allow Gloucester a share in the keeping of Edward, and that it proved fatal.

[2] Wykes, 164.

[3] *Fœdera*, 455.

[4] Id. 456.

[5] Wykes, 165; Rishanger, *de B.* 43.

horses and arms, on condition of not taking up arms again for forty days. Of course all were in the field again at the earliest possible opportunity.[1]

De Montfort, unable to do anything more for his friends at Gloucester, the siege not having yet come to an end, went off to Wales to raise troops, and incidentally ravage Gloucester possessions. A friendly treaty had just been concluded with Llewelyn.[2] On the 28th June Simon was at Monmouth.[3] The castle, which had been occupied by Earl Gilbert, was dismantled; from Monmouth de Montfort advanced to Usk and Newport, both Gloucester possessions, and treated accordingly; pushing on into Glamorgan he met his friend Llewelyn, and then went back to Newport. The line of the upper Severn being held against him, he sent over to his friends in the city of Bristol (the castle was in Royalist hands)[4] for shipping to take him across. But the Earl of Gloucester had some 'pirate,' i.e. armed, galleys ready, with which he scattered the Bristol flotilla. He even effected a landing at Newport, entering a suburb that lay on the left bank of the Usk. The destruction of the bridge arrested his progress. But there was de Montfort cooped up in a corner. From this difficulty he was extricated by his Welsh allies, who led him round, by a circuitous path by Pontypool and Abergavenny, back to Hereford. We are told that the English suffered considerably from Welsh meat-diet and lack of bread.[5] The substitution of milk for beer would doubtless be keenly felt.

Simon seeks for help in Wales.

Treaty with Llewelyn.

Unable to cross Severn at Bristol

Gets back to Hereford.

Simon's expedition into Wales must have lasted nearly a month. On the 28th June, writing from Monmouth, he had called on his son Simon, Warden of the Peace for Surrey and Sussex, with command of the royal castles, to attack the 'rebels' in all directions.[6] Already on hearing of Edward's escape young Simon had removed his mother from her residence at Odiham, taking her to Porchester, and from thence on to Dover. He stayed with her there till the 24th June,[7] when he went off to lay

Movements of the Younger Simon.

[1] 29 June, Ann. Wav. 362; Rishang. sup.; M. Westm. III 2; 24 June, Wykes, 166; For local details, R. Gloucester, II 758, 759.

[2] Llewelyn was to render homage for his Principality, and pay £20,000, by ten annual instalments, for the purchase of territorial cessions, which included Maud's Castle, the Hundred of Ellesmere, and Hawarden Castle; 19 June, *R. Letters*, II 284, 287; ratified 22 June, *Fœdera*, 457, a gross transaction, and a bitter pill to the King.

[3] *Fœdera*, 457; *R. Letters*, II 288. Simon was still at Hereford on the 22nd June.

[4] See Blaauw, 265. R. Glouc. 760, represents both castle and city as hostile, which is clearly wrong.

[5] Wykes, 166–168; Rishanger, *d. B.* 43; M. Westm. III 3; Hemingb. I 322; Ann. Cambriæ.

[6] *Fœdera*, 467.

[7] See the Household Accounts of the Countess for the year, 47, 48, 57 (Hudson Turner, *Manners*, etc.)

siege to Pevensey castle, held for Peter of Savoy. While engaged on this fruitless endeavour he received a fresh order, one for help to his father, "now confessedly in danger."[1] He obeyed the summons, but not with the expedition demanded by the urgency of the case. According to one writer his first move was to London,[2] either to recruit his forces, or to strengthen the cause of the party there, which was sinking. Thomas fitz Thomas, now Mayor for the fourth year running, and the other popular leaders, were finding it necessary to take strong measures of repression. A few days later forty citizens were arrested on charges of conspiracy. Their lives were only saved by the news of de Montfort's fall.[3] Young Simon intended to visit Kenilworth, on his way to join his father. But the next step taken by him, whether from Pevensey or London, certainly was an attack on Winchester, reported to be disaffected. The city was stormed and sacked, the wretched Jews again being slaughtered wholesale.[4] Having scored this miserable success, the castle holding out, de Montfort moved on to join his father in the Severn valley, viâ Oxford, Northampton, and Kenilworth, reaching the family stronghold on the evening of the 31st July.[5] Thus he had taken fifteen days to traverse the 135 miles of road that lie between Winchester and Kenilworth, being at the rate of nine miles a day. If, without turning aside to Northampton, he had gone from Banbury direct to Kenilworth he would have saved thirty miles. De Montfort's plan doubtless was to attack the enemy, whose headquarters were at Worcester, in concert with his son. The dilatory movements of the younger Simon enabled Gloucester and Edward to forestall the blow, and take them singly. Early in the morning of the 1st August, after a forced night march of thirty-five miles from Worcester, they fell on the village of Kennilworth, and—less scrupulous than the Earl of Leicester—surprised their tired adversaries

Dilatory March to Kenilworth.

There surprised and overwhelmed.

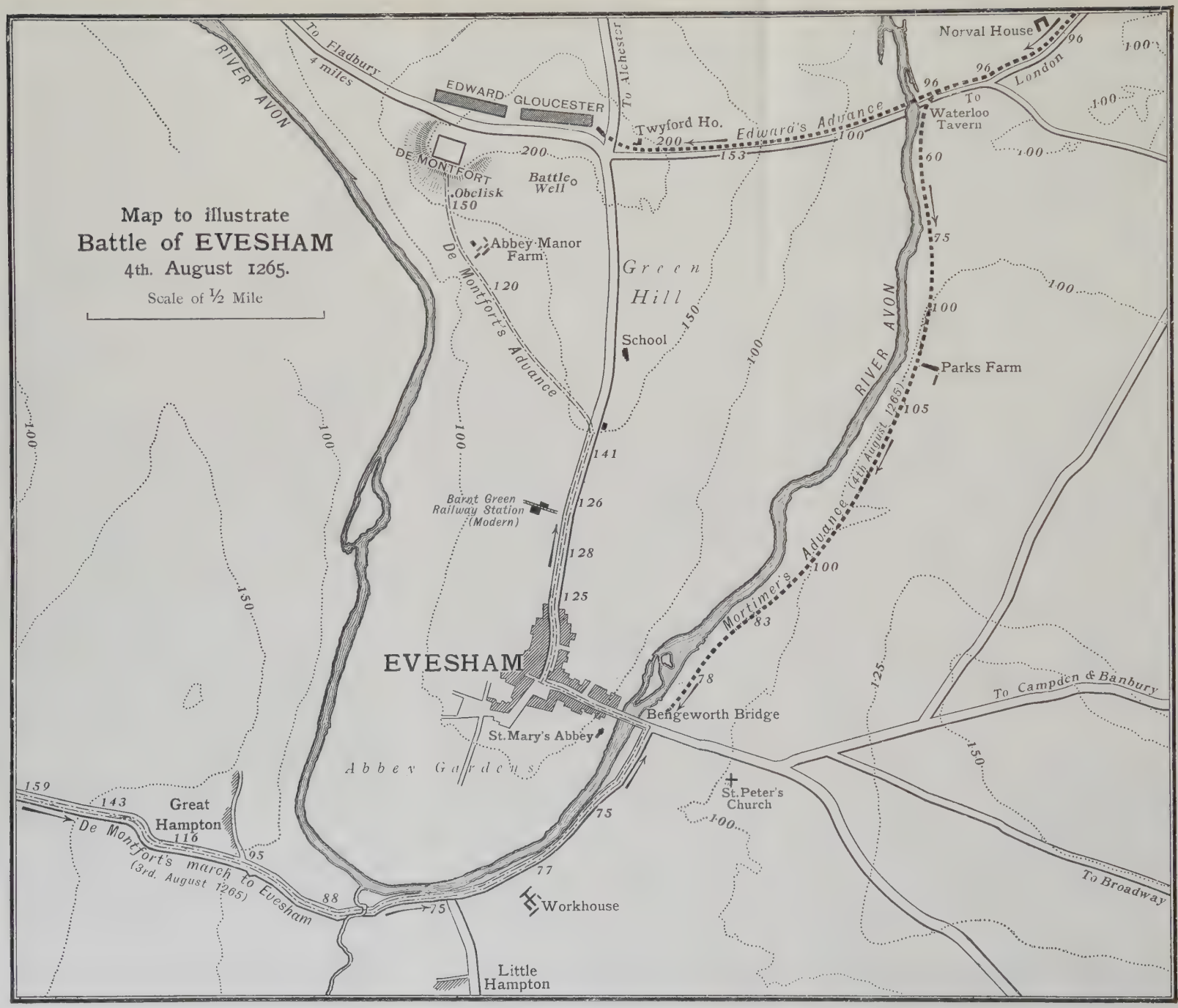
[1] Osney, 164; Wykes, 169; Robt. Glouc. 760; Waverley, 363; Rishang. *de B.* 44.

[2] So Wykes, sup. Simon was certainly in London on the 6th July. But that might have been before he got his father's summons. It does seem more natural to suppose that he marched from Pevensey to Winchester without an intervening run to London. The other writers make him march from Pevensey to Winchester.

[3] *Liber*, 114, 115. Arnold Thedmar, the supposed author of the work, was one of the condemned men.

[4] 16 July, Ann. Winton; Wykes, 169; R. Glouc. II 760.

[5] Wykes, 169, 170. The Waverley writer, p. 363, states that Simon rested three days at Oxford; so too R. Gloucester, 761. For the date see Wykes, sup.; Osney, 166; Winton, 102; *Liber*, 74, and Flor. Cont. II 194. Rishanger, *d. B.* 44; and Hemingburgh, I 323, place Simon's arrival a day later; the Dunstable Annals a day earlier; Matt. of Westminster, III 4, has a confused entry, pointing, however, to the 31st July as the day of Simon's arrival, and this is clearly the right date.


Map to illustrate
Battle of EVESHAM
4th. August 1265.
Scale of ½ Mile
To Fladbury 4 miles
RIVER AVON
EDWARD
GLOUCESTER
To Alchester
Norval House
London
To Waterloo Tavern
Twyford Ho.
Edward's Advance
DE MONTFORT
Obelisk
Battle Well
Abbey Manor Farm
De Montfort's Advance
Green Hill
School
RIVER AVON
Parks Farm
Barnt Green Railway Station (Modern)
Mortimer's Advance (4th August 1265)
EVESHAM
Bengeworth Bridge
To Campden & Banbury
St. Mary's Abbey
Abbey Gardens
St. Peter's Church
Great Hampton
De Montfort's march to Evesham (3rd. August 1265)
Workhouse
To Broadway
Little Hampton

[To face p. 243.

in their beds. Ten barons and bannerets fell into their hands, including the Earl of Oxford, William of Montchensy, Baldwin Wake, Adam of Newmarch, Walter of Colville, Hugh Neville. Young de Montfort escaped half-naked to the castle.[1]

Much about the time, if not on the very day when his son was approaching Kenilworth, de Montfort broke up his camp at Hereford, where the country was getting bared of supplies, and advanced to the Severn. On Sunday, 2nd August, he crossed the river, four miles below Worcester, at Kempsey, a manor belonging to his friend the Bishop of Worcester, who was with him.[2] That night they rested at Kempsey, advancing next day to Evesham, where again they halted for the night.[3]

Elder Simon leaves Hereford, crosses Severn, and reaches Evesham.

Evesham is situate on the right bank of the Avon, within a loop of the river, and surrounded by it on three sides. To the North, the open side, the ground rises rapidly. The slopes at present are covered with orchards; but at the time of the battle they must have been laid out either as open fields, or pasture land.[4] No battle could be fought on the ground in the state in which it now is. De Montfort, in his advance from Kempsey would skirt the bend of the Avon, and enter the town by Bengeworth Bridge. Apprised of his son's march on Kenilworth, but not of the disaster that had befallen him, Simon's purpose evidently was to advance to meet him by way of Alchester.[5] The road from Evesham to Alchester is, in fact, a prolongation of the main street of Evesham, leading due North up the heights. At the summit, at a distance of a mile from the town, it is intersected by a cross road, at the place marked as Twyford House on our map. The left or wester branch leads to Worcester. The right or easter branch is now a mere green lane, running down to the Avon at Offenham Ferry.[6] But it is said that in former days it was the road to London, and that it crossed the river by a bridge.

Site of Evesham.

Simon's Plan.

Meanwhile Edward and Gloucester had returned to Worcester with

[1] Id. and MS. Chron. Rochester, cited Blaauw, 268.

[2] As to the crossing all the writers are agreed.

[3] So Wykes, the best account of the whole campaign, which I follow. So too J. Oxnead, 228. Hemingburgh also, I 224, tells us incidentally that Simon had lodged in the abbey at Evesham. On the other hand the Annals of Waverley, 264, and Osney, 168, and Rishanger, *de Bello*, 44, represent de Montfort as sleeping at Kempsey on the 3rd August, and only reaching Evesham on the 4th August. But in his Chronicle (if it is his), p. 73, he clearly shows that Simon spent the night at Evesham. Mr. Prothero takes the opposite view.

[4] "In campo extra oppidum spatioso"; Rishang. *Chron.* 35.

[5] Ann. Wav. 364; and R. Glouc. II 762. Wykes, 171, thought that de Montfort was making for London.

[6] See map.

all possible speed. On hearing of Leicester's advance they hastened to intercept him as they had intercepted his son. On the night of the 3rd August they left the city, masking their purpose by taking the North road, as if bound for Bridgenorth, then, when well clear of Worcester, they wheeled to the East and South, crossing the Avon at "Cliue,"[1] obviously Prior's Cleeve, thence descending the left bank of the river to Offenham, to recross it either by bridge or ferry, as the case may have been. From thence an ascent of less than a mile to the cross-roads at Twyford House would place them fairly athwart the line of de Montfort's advance.[2] The whole circuit would extend to about twenty-five miles. Here we may pause to contrast the energy of the Royalists, who, within the compass of four days at the very most, could manage three forced marches amounting to ninety-five miles, with the pace of young Simon who took fifteen days to accomplish 135 miles.

Royalist Move.

On the morning of the 4th August the King and de Montfort, having attended the Bishop of Worcester's Mass, and partaken of breakfast, were preparing to resume their march; the vanguard was moving out of the town, when the approach of an army from the North was reported.[3] The banners taken at Kenilworth were conspicuous in the van. For a few minutes Simon's men might cherish the belief that the newcomers were friends. Closer scrutiny soon detected Edward's Lions, with the Gloucester Chevrons, coming on behind. De Montfort ascended the Abbey tower[4] to reconnoitre. "His first words revealed a soldier's pride. 'By the arm of St. James they come on well. They learned that order from me.' His next told that he had measured the forces, and knew that the event was hopeless."[5] 'May God have mercy on our souls for our bodies are theirs.'[6] He urged Despenser and Basset to seek safety in flight, but they refused to leave him.[7] They may not have been aware that Mortimer was being sent down the river from Offenham to occupy Bengeworth Bridge in their rear.[8] Once more, in the

Battle of Evesham.

[1] Rishang. *Chron.* 35.

[2] Id.; Wykes, 171, 172; "Montis clivo ascenso"; Hemingb. I 323.

[3] "A septentrione"; Wykes, sup. W. Heming. I 323.

"Sir Edward and [h]is poer sone come, tho ride
To the North half of the toun, bataile for to abide."
R. Glouc. II 763.

[4] Not the present one; it is only of 16th century date.

[5] Shirley, *Quarterly Review*, sup. 56.

[6] "Ur soules, he sede, abbe God, vor ur bodies beth hor"; R. Glouc. 763; Hemingb. sup.; Rishang. *de B.* 45. The latter makes de Montfort ascend a hill to look around him, but there was no hill that he could ascend except that occupied by the enemy.

[7] Rishang. *d. B.* sup.; cnf. Osney, 169.

[8] "Ab occidente et a tergo"; Hem. 323, 324; Rishang. *Chron.* 35.

face of battle, Walter of Cantilupe gave absolution to the kneeling soldiery ; [1] while de Montfort hastened to take up the best strategic position that his eye could catch.

Royalist Dispositions.

On the Royalist side Edward had the van, Gloucester the centre ; while, as already mentioned, Roger Mortimer was sent round to close de Montfort's rear.[2] At the time of the battle the low road to Worcester by the riverside, that branches off near the Railway Station, did not exist. The Royalists therefore had only to gain the cross road at the top of the hill, near Twyford House, to bar de Montfort's advance. But the passage of the Avon would cost them some time, while, as already mentioned, de Montfort's men were actually on the move when the Royalists first came in sight. Accordingly it would seem that Simon boldly pressed up the hill to the left of the Alchester road as if to head the enemy, and establish a position on the cross-road. But Edward had the start of him, and was there ready to receive him, being presumably posted near the entrance gate to the present Abbey House grounds, with Gloucester at a little distance on his left. Simon had only managed to reach a jutting spur or promontory, abutting on the cross-road where Edward was arrayed, but not the road itself. This jutting spur, the battlefield pointed out by local tradition, and identified by an obelisk, presents a little plateau, some 300 yards long by 200 yards wide, protected on flanks and rear by steep slopes, a fairly defensive position to withstand attack, but not one to offer much hope of escape in case of defeat.[3] Here the Earl drew up his forlorn band in solid circular formation,[4] his men being distinguished by white crosses on their shoulders, the Royalists by red crosses.[5] Edward would attack Simon in front with a slight slope of the ground in his favour. Gloucester would have to cross the hollow, marked by Battle Well, and then climb the spur to attack the Barons on their flank.[6] Outnumbered and surrounded as de Montfort was,[7] the

Simon makes push, to gain a position.

His Formation.

[1] R. Glouc. sup.

[2] Wykes, not knowing anything of Mortimer, or the operation entrusted to him, supposed that the Royalist army was divided in two, under Edward and Gloucester.

[3] The site at the present day is encumbered by the flower beds, shrubberies, fishponds, and garden walls of a private residence. The obelisk marks the place where de Montfort fell, his last stand, on the brink of the plateau.

[4] "Nimia densitate, tanquam in forma circulari, suum inglomeravit exercitum"; Wykes, 173.

[5] Rish. *d. B.* 46 ; M. Westm. III 6.

[6] Agreeing with Mr. Prothero in the general evolutions of the campaign, I must differ from his view that the "chief struggle raged" in the hollow of Battle Well. Simon would never have led his men into a pit to be overwhelmed. The obelisk is conclusive evidence of the site where the main struggle took place, on a height.

[7] For the disparity of numbers, see Osney, 169 ; Rishang. sup. 45.

action became a mere butchery—" bataile non it uas." [1] The Welsh footmen soon took to flight, some to swim the Severn at their back, others to seek for hiding places in the gardens and orchards near the town.[2] De Montfort and his supporters fought it out till all were taken or killed. The unfortunate King, who had been brought out to grace the ranks of his adversaries, was involved in the mêlée. He was struck on the shoulder, and might have been killed had he not called for help. 'I am Henry of Winchester your King.' [3] On the fatal field of Evesham lay de Montfort and his eldest son Henry; the veteran Peter, Hugh le Despenser, Ralph Basset, William Mandeville (brother to Fitz John), John Beauchamp, Thomas Astley, Roger Rowley; 160 knights and gentlemen in all. Among the prisoners, many of them wounded, were the Earl's second son Guy, John Fitz John, Henry of Hastings, the younger Bohun, Peter of Montfort the younger, Nicholas Segrave. On the Royalist side the loss was practically nil.[4] The 'battle' is said to have lasted two hours; the time may be taken to include all that happened from the moment when the Royalists were first descried to the close of the action. To add to the horrors of the scene a furious thunderstorm, with thick darkness, raged during the actual struggle, between 9 a.m. and 10 a.m. The Royalists disgraced themselves by the mutilation of Simon's body; his head was presented as a grisly offering to Lady Mortimer (daughter of William de Braose); his hands and feet were sent to different parts of the Kingdom. The mangled trunk, however, was allowed to be buried with that of Despenser in the Abbey Church.[5] Edward gave orders for the decent burial of the dead, and himself attended the funeral of his cousin and former playfellow, Henry de Montfort.[6]

Defeat and Death of de Montfort.

The King in the Action.

List of the Killed.

The Prisoners.

Treatment of the Fallen.

Simon de Montfort, without doubt, was a very fine character, high-minded and pure. All that was noblest and best in England was on his side. Of his ability as a soldier nothing more need be said: as a statesman "he had the genius to interpret the mind of the nation and to anticipate the line which was taken by later progress." [7] He was, no doubt, ambitious and dictatorial.

Character of de Montfort.

[1] R. Glouc. sup.

[2] Rishang. sup. 46; Hemingb. I 324.

[3] Hemingb. sup.

[4] M. West. III 6; Rishang. sup. 46, 47; Hemingburgh, 325; Trevet, 266; Wykes, 173; and Mr. Blaauw's notes, 278, etc. Even Wykes the Royalist mourns over the number of the fallen.

[5] Rish. sup.; Osney, 170; *Liber de Ant.* 75, 76.

[6] Trevet, sup.; Rish. *Chron.* 37.

[7] Stubbs, *Const. Hist.* II 95. See also the estimate of Simon, p. 203.

His Methods in Politics.

His methods in politics were those of the age, utterly unscrupulous. He might urge that he was not bound to keep faith with men who would not keep faith with him. But from a man in his position, and with his pretensions, the world had a right to expect a higher standard. His war on the King's friends in 1263 was a proceeding worthy of King John. One is inclined to regret that Simon had not paused awhile at the close of the year 1262—after the Papal condemnation of the Provisions of Oxford, or again in 1264, after the Award of Amiens, to see how the King would behave. But most likely the sequence of events was too closely linked to admit of a break in the action of the drama. Simon would be hurried on by his followers, and probably, like Becket, was determined, if possible, to beat the King. "The posthumous fame of rebels is generally measured by their success; but to the memory of the great Earl his countrymen were more than just; they awarded to him the honours, not of a statesman, but of a saint and martyr." [1]

Held a Saint and Martyr.

Miracles at his Tomb.

Numerous miracles were wrought at his tomb.[2] Hymns in his honour, being part of an office for him composed by the Friars Minors, are extant.[3]

> Ore est ocys la flur de pris, que taunt savoit de guere,
> Ly quens Montfort, sa dure mort molt enplorra la terre.
>
> . . . . . .
>
> Mès par sa mort le quens Mountfort conquist la victorie
> Come ly martyr de Caunterbyr finist sa vie." [4]

[1] Shirley, *Quarterly Rev.* vol. 119, p. 59. "Symon . . . martyrium pro pace terræ et regni reparatione et matris ecclesiæ, ut credimus consummavit gloriosum"; Ann. Wav. 365.

[2] See a list of 212 of these, MS. Cott. Vesp. A. VI, printed by Mr. Halliwell as an appendix to Rishanger, *de Bello*, 67; also Chron. Melrose, 201–212; Lanercost, 77; and the clause in the *Dictum de Kenilworth* praying for a declaration that Simon was no Saint, and his alleged miracles impostures; *Select Charters*, 411.

[3] See the hymns printed by Mr. Prothero in his *Life of de Montfort*, 388–391; Kingsford, *Carmen*, xxi.

[4] *Pol. Songs*, (Wright), 125.

CHAPTER XV

HENRY III (*continued*)

A.D. 1265–1268.

The King restored to Power—Reactionary Measures—Legatine Mission of Ottobuone—Risings of Disinherited Barons—Axholm—Ely—Kenilworth—Siege and Surrender of Kenilworth—Occupation of London by Gloucester—Final pacification—Statutes of Marlborough—Legatine Synod.

AGAIN was Henry III King in fact as well as name. The Baronial partizans, accepting the issue of the field of Evesham as decisive, were prepared to lay down their arms. Peace and tranquillity might have ensued at once, had the King been content to be moderate. But he was determined to punish those who had opposed him. Sanguinary retribution was not in his purpose. What apparently presented itself to his petty mind was the opportunity for seizing lands, and amassing money. Forfeiture or fine, according to the case, would be inflicted on rebel barons, rebel clergy, rebel burghers; all disloyal classes would be amerced, to enrich the King and his favourites, and enable him to indulge his passion for spending and giving.

The King in the hour of Victory.

On the 7th August Henry, having moved to Worcester, proclaimed that he was a free man, and that all orders issued during his captivity without his real consent must be held null and void.[1] A fine of 560 marks was at once imposed on the men of Hereford for having harboured de Montfort.[2] Meanwhile the outstanding Barons, thinking peace assured, were parting with their hostages, and offering their allegiance.[3] On the 6th September young Simon freely released the King of the Romans and his son Henry from their cells at Kenilworth; Richard, however, pledging himself to do his best for the de Montfort family.[4] About the same time Lady Despenser

Fine and Confiscation.

[1] *Fœdera*, I 458, 463.

[2] Id. 458.

[3] Ann. Waverley, 365; Wykes, 175, 176; R. Glouc. II 561.

[4] See Richard's letter of the 6th September to his sister "Madame Alienor," promising to do his best to procure terms for her and her children; printed by Mr. Blaauw, p. 361, from the original in Paris.

opened the gates of the Tower to all captives, except the Earl of Derby, whose offences were criminal. Windsor Castle was surrendered, while the Londoners likewise placed their city in the hands of the King's officers. All soon found that they had acted too hastily.

Premature Submissions.

On the 11th September [1] the King came to Winchester to open a Grand Council or Parliament of Magnates. No popular representatives were summoned, nor were the four offending Bishops of London, Lincoln, Worcester and Chichester invited to appear. Young Simon came under a safe-conduct sealed both by Henry and Edward; but not relishing the prospect held out to him, returned to his stronghold at Kenilworth and mustered his friends.[2] Eight days the session lasted. According to the King the outcome was that the Magnates empowered him to confiscate the lands of all who had ever at any time acted against him, the Earl of Gloucester and his men only excepted. The question, in fact, stood over for an October session.[3] But Henry, all the same, issued writs appointing men to take all such lands into hand, with orders to return their value by the 13th October.[4] The clergy found that the whole order would be held *primâ facie* suspect; and the prelates attending the Council hastened to compound.[5] Moving from Winchester to Windsor, the King threw the Londoners into a state of consternation, by gathering men to enforce a general forfeiture. In answer to appeals for grace Roger Leyburne came to London, and informed the citizens in a crowded meeting held in the church of All Hallows Barking, that the King would be content with nothing less than an absolute surrender of themselves, their lives, and property,[6] to be dealt with at his pleasure; they were also required to give up the keys of the city, and to remove the posts and chains, the cherished emblems of municipal independence. The keys were given up, the posts and chains removed, and the city seal appended to the required submission.[7] On the 4th October, in compliance with further orders, forty of the chief citizens, headed by Thomas fitz Thomas the Mayor, rode out under safe-conduct to Windsor, to present and confirm their act of surrender. They were invited

Parliament.

Young Simon.

Inquests as to Rebel lands.

Henry and the Londoners.

The City Confiscated.

[1] So Ann. Winton. The other authorities make the session begin on the 8th September.

[2] *Liber*, 76.

[3] Osney, 178.

[4] 21 September; *Fœdera*, I 462. See also Ann. London, 70; and *Liber*, sup.

[5] Florence, Cont. II 195; Rishang. *d. B.* 49; Id. *Chron.* 41, 42.

[6] "De vita et membris et omnibus mobilibus et immobilibus"; *Fœdera*.

[7] *Liber*, 77, 78; and the letter, apparently of the 29th September, but dated by Canon Shirley 6th October, *R. Letters*, II 294.

Delegates imprisoned.

to enter the castle precincts, and having done so, were at once immured in the Round Tower. Next day, however, the majority, without being set free, were removed to more comfortable quarters in the Bailey, the Mayor and four others being still detained in the Tower.[1] It must not be supposed that the citizens' surrender of their property was intended for a mere form. On the 6th October the King at once assigned all the property and effects of three of the men in the Round Tower to his son Edward.[2] Proceeding to London he turned some sixty citizens with their families out of house and home, confiscating all their lands and goods wherever found. The civic jurisdictions were suspended, and the city placed under the Constable of the Tower, as Steward or Warden of London (*Seneschallus-custos*). The especially guilty had thus met with condign punishment; but the general community was not to be let off. Sixty more hostages were taken, in order to force the indignant Londoners to terms. Finally, in 'consideration' of a fine of 20,000 marks (£13,333 6*s*. 8*d*.) levied from innocent and guilty alike, Henry was pleased to waive all further proceedings for past offences, the City remaining still in hand.[3]

All to suffer.

Parliament.

On the 13th October Parliament resumed. The King began with a grand crown-wearing, in the olden style, as Stephen and Richard under similar circumstances had done, to mark his resumption of Royal authority, and wipe away any stain incurred by his captivity.[4] He then succeeded in obtaining, in despite of vehement protests by the King of the Romans, the Earl of Norfolk, Philip Basset and others, full power to confiscate the lands of all who had sided with de Montfort in the war, including those who had been in intercourse with his son Simon since Evesham.[5] No proof of guilt beyond the returns by the officers appointed by the King in September was required. But the partizanship of the different barons would, no doubt, be pretty well known to all. Henry at once proceeded to distribute the spoils. First came his second son Edmund, afterwards

A Crown-wearing.

Measures of Confiscation.

[1] *Liber*, 78, 79; Waverley, 366; Two of the five, namely Matthew Bugerel and John, Chaplain to the Fleet, were allowed to ransom themselves; the other three apparently languished and died in prison. Thirty-one of those detained in the Bailey were released on the 22nd Oct.; *Liber*, 79; cnf. Wav. 367.

[2] *Fœdera*, sup. For efforts by Edward to attach the goods of Londoners in foreign ports, see *R. Letters*, II 305, 306.

[3] *Liber*, 79, 80, and the charter there of the 10th January, 1266. The Royalist writers, Wykes and the author of the *Liber*, as well as all the others, emphatically condemn the King's conduct. The money was raised by a levy of one-fourth of all incomes from clergy and laity alike; Ann. London, sup.

[4] Wykes, 177; For Stephen's crown-wearing, see *Foundations*, II 412; and for Richard's, *Angevin Empire*, 337.

[5] Waverley, 367; Osney, 179; Rishanger, *Chron.* 30; also the King's own statement, *Northern Registers*, 11.

surnamed Crouchback, from his habit of stooping. He was created Earl of Leicester and Steward of England;[1] the Derby Earldom and estates, and Segrave estates, being added later. These grants, with the further grant of the Earldom of Lancaster (30th June, 1267), became the foundation of the vast appanage that enabled his representative in the fourth generation to usurp the throne. Then Henry of Allmaine had the lands of William of Furnival;[2] Roger Mortimer those of the Earl of Oxford; Gloucester the Hastings estates. In like manner William of Valence, Edward's wife Eleanor, Thomas of Clare, Clifford, Leyburne, L'Estrange, and a host of others were enriched at the expense of fallen enemies. The Rolls are filled with entries of forfeiture and regrant;[3] a perfect agrarian revolution.

Eleanor Countess of Leicester.

The widowed Countess of Leicester had been established at Dover with her sons Amauri and Richard since the middle of June, and had maintained her position there ever since, with fourteen Royalist prisoners under her charge. The King was very bitter against his sister. Hearing of treasure being sent abroad by her for safety, he writes to the authorities at Dover not to allow her or any of her men to leave the harbour.[4] Some days later he writes to Louis, urging him to seize 11,000 marks (£7,666 13*s.* 4*d.*) that the Countess had managed to transmit to Gravelines.[5] Not many days later his heart was rejoiced by hearing that the Royalist prisoners at Dover, overpowering Eleanor's warders, had seized the Keep, and were endeavouring to hold out, being subjected to a close siege by the Countess's men, attacking them from the Bailey. Edward hastened to the rescue, and, after a siege of some days' duration brought his aunt and her garrison in the Bailey to terms.[6] Wiser than his father, he realized the danger of driving armed men to desperation.

Siege and Counter-siege at Dover.

Eleanor and her sons, Amauri and Richard, would forfeit everything and abjure the realm; while twenty-two men of her household would be freely pardoned.[7] Two days later Dover Castle was surrendered to Edward, and the mourning, heart-broken Countess left England never to return.[8]

[1] 25 October; Doyle, *Official Baronage*.

[2] *Fœdera*, 465.

[3] See Blaauw, 299, 300.

[4] 28 September; *R. Letters*, II 292.

[5] 10 October; Blaauw, 329.

[6] Wykes, 178; Chron. Rochester, cited Blaauw, 331.

[7] See Edward's letter of the 26 October to the Chancellor, Walter Giffard, Bishop of Bath and Wells; *R. Letters*, II 294; also 296. Giffard became Chancellor after Evesham in succession to Thomas Cantilupe.

[8] 28 October; Waverley, 367; Wykes, 179. Louis exerted himself on behalf both of Eleanor and the younger Simon. He made her an allowance, nominally in respect of some claims on the Angoumois; *R. Letters*, 204, 215; *Lettres de Rois*, I 149, and Tower MS. No. 866, Pauli; and doubtless procured for her the pension

A Return of the Queen.

On the very next day, being Thursday, 29th October, Queen Eleanor and young Edmund landed, bringing with them, to add to the general confusion and alarm, a Papal Legate, Ottobuone di Fresco, laden with belated Bulls against the fallen de Montfort and his party.[1] Henry, who had come down to see his sister expelled the realm, received them joyfully at Canterbury, from whence three days later the whole Court circle went back to London.[2]

Papal Legate with her.

Renewal of the War.

The consequences of the King's reckless proceedings now began to appear in risings of the Disinherited Barons, as they were called.[3] Young Simon, leaving a strong garrison at Kenilworth, went off with John d'Eyville and Baldwin Wake, who had escaped from custody, to establish a basis for offensive operations in the Island of Axholm; while the men of the Cinque Ports burned Portsmouth.[4] Edward, shortly after Evesham, had urged a pacification with these men,[5] but his advice had been disregarded. To reduce the rebels in Axholm, a general muster was summoned to meet at Northampton on the 13th December;[6] while the Legate held a Synod in London, and, by way of a beginning, suspended the four Bishops, and also, but on different grounds, the Bishop of Winchester, John Gervais.[7] Edward hastened to the front, leaving the King, Queen, and Legate to keep their Christmas at Northampton. He pressed the siege of Axholm—for a regular siege it was—with such vigour, that on the 27th December young Simon was induced to agree to come under safe-conduct to Northampton, to abide by the arbitration of the King of the Romans, the Legate and Philip Basset. We are told that Richard did his best for his nephew, and that even the King was disposed to be indulgent, but that Gloucester and the Royalist barons were implacable. Simon was required to yield Kenilworth

The 'Disinherited Barons.'

Five Bishops suspended.

Siege of Axholm.

Attempted Arbitration.

of £500 a year granted to her by Henry in 1267; Pat. 51 H. III 20 dorso; Pauli. She died in the nunnery at Montargis in 1274; Blaauw.

[1] For Bulls issued before news of the escape of Edward, and dated at Perugia 13 September, see *Fœdera*, 458–461; after news of Edward's escape, dated 24 September, Id. 462; and after news of Evesham, 4 October, 463.

[2] Wykes, sup.; Winton, 103; Waverley, 367.

[3] "Exhæredati"; Rish. "The deserites"; R. Glouc. II 769.

[4] Wykes, 180, 181; Waverley, 367, 368; Worcester, 455.

[5] *R. Letters*, II 289; 24 August.

[6] Rishang. *d. B.* 49; *Chron.* 41.

[7] Consecrated at Rome, September, 1262. The Continuator of Gervase, II 243, places the Synod on the 1st Dec., and the Winton Annals give it as held in the North transept of Westminster Abbey, 103. "In nova ecclesia ex parte boreali." Flor. Cont. II 196, says that the Synod was held in the Temple, and on the 6 December.

and abjure the realm, receiving in return a pension of 500 marks a year from the Leicester estates, so long as he should remain out of England, and at peace. He accepted the terms, but the Kenilworth men refused to march out at his bidding. The convention having failed, he was taken back to London in the King's train, under the charge of his cousin Edward. On the 10th February, 1266, he effected his escape and went off to join the men of the Cinque Ports at Winchelsea.[1]

Its Failure.

Young Simon at large.

Simon's maritime career was soon cut short. Edward, as already mentioned, anxious to suppress the privateering that destroyed all commerce, had urged pacification with the men of the Cinque Ports. Realizing, however, that strong measures were needed to bring them to terms, he marched to Winchelsea; fought a battle with them there, and defeated them. He would have hung their leader, but Gloucester interceded for him.[2] Having thus humbled the Cinque Ports, Edward gave them a free pardon, with a confirmation of all their charters and liberties.[3] He then proceeded to obtain from his Royal father a grant of the control of all the harbours in the Kingdom, with the express object of establishing a more regular system of Customs' duties in the future.[4] Simon de Montfort then retired to France, where he was shortly joined by his brother Guy, who, wounded and taken prisoner at Evesham, had been imprisoned, first at Windsor and afterwards at Dover. On the 22nd of April, at night, he succeeded in making his escape from his place of confinement, and crossed the Channel,[5] to join his brother. Both found employment as soldiers of fortune in Italy.

Pacification of the Cinque Ports.

Retirement of Simon and Guy de Montfort.

From Northampton, late in January the King had returned to Westminster, where he stayed till the first week in April, when he moved to Windsor.[6] The offending Prelates, who had been provisionally suspended in December, were now formally brought before the Legate to answer for their conduct. The Pope, who deeply resented the contempt with which the sentences uttered by him as Legate had been treated in England, had warned Ottobuone not to err on the side

[1] Rishanger, *d. B.* 50, 51; Wykes, 181, 182; Waverley, 368; *Liber*, 82. Henry, apparently, after keeping the contingents of St. Albans and other religious Houses in the field for their full term of service, exacted a scutage of two marks for each *miles*; Rishanger, *Chron.* 41, 42. The writer represents the King as taking 40 marks from each of the twenty men; but this is incredible; he must have taken 40 marks from the twenty men.

[2] 4 March, Ann. Winton, 104. *Circa* 7 March, Waverley, 369.

[3] 18 March, Gervase, Cont. II 244; *Liber de Ant.* 83; *R. Letters*, II 302. The actual pardon is dated 30 April; R. Pat. 50 H. III m. 18; Pauli.

[4] 2 April; *Fœdera*, 468.

[5] Gervase, Cont. II 245.

[6] Fine Rolls, etc.

of clemency.[1] On the 15th March the Bishops of London, Chichester, and Lincoln were condemned for having failed to publish the bans against Leicester, and for having held intercourse with him, well knowing him to be excommunicate; they were required to present themselves at Rome within three months, under pain 'of absolute deposition.' On the 12th April the same sentence fell upon the Bishop of Winchester.[2] But the arch offender, Walter Cantilupe, had been saved by death from the wrath to come. His thirty years of honourable episcopate had come to an end on the 12th February.[3]

The Bishops of London, Chichester, Lincoln, and Winchester sent to Rome.

Death of Walter Cantilupe.

Meanwhile, the Disinherited Barons were playing havoc in all directions. East Anglia was mainly in their hands. Local indignation had been stirred by a report that the King had conferred the Earldom of Norfolk on a foreigner, namely, Guy III, Count of St. Pol. 'Let him come to take seizin if he dare' was the cry.[4] The men established at Kenilworth, the headquarters of the disaffected, were raiding the country for stores for a lengthened resistance; they cut off the hand of a King's messenger, and sent him back in that state in savage defiance.[5] The reports of the state of England sounded so bad in Italy that the Pope trembled for the loss of his precious fief.[6] Such were the fruits that Henry had contrived to reap from a great and signal victory.

War of the Disinherited.

Twice already had musters been ordered for the reduction of Kenilworth without result.[7] On the 15th March a more urgent summons was issued for levies to meet at Oxford by the 18th April.[8] On the 20th of the month the King came to the meeting-place, to find an indifferent gathering, many of the

Musters for Siege of Kenilworth.

[1] "Episcopis Vigorn. London. Linc. et Helien. nullam prorsus facias gratiam"; Ep. I 106; Pauli. The offences of Hugh Belsham the Bishop of Ely do not appear.

[2] *Liber*, 84; Wykes, 185; Dunstable, 240; Osney, 182. The Bishop of Winchester, John Gervais, died at the Papal Court at Viterbo in 1268; Ann. Winton, 106. Richard of Gravesend, the Bishop of Lincoln, made terms and returned in 1269; Dunst. 248. Henry of Sandwich, the Bishop of London, did not return till January, 1273, *Liber*, 156; and died in the following month of September; *Reg. Sacr.* Stephen Berksted, the Bishop of Chichester, likewise did not get home till after the death of Henry III.

[3] Gervase, Cont. II 244; Wykes, 180; *Reg. Sacr.*

[4] See Rishanger, *d. B.* 49; and Henry's contradiction of the rumour; *Fœdera*, 467. For the Barons in East Anglia, see also *Liber*, 84; and Flor. Cont. II 196.

[5] Rishang. *Chron.* 43; *d. B.* 54; Dunst. 241.

[6] "Nihil aliud esse penitus nisi totum everti negotium . . . et ecclesiæ Romanæ Deodum tam nobile sine spe recuperationis amitti"; B.M. MS. Addl. cited by Milman, *Latin Christianity*, V 71, as "vol. XII, p. 233."

[7] December; *Fœdera*, I 467.

[8] *R. Letters*, II 300.

barons having already been out, in one quarter or another, for their full term of service. On the 27th April, however, he made a start for Kenilworth; but various circumstances detained him at Northampton till near the middle of June.[1] In the first place Edward had to be detached to expel the Barons from Lincoln, which they had occupied.[2] Then the Earl of Derby, who had just been liberated (*nudius tertius*), but not reinstated in his property, was found to be gathering forces in concert with John d'Eyville and Baldwin Wake. Henry of Allmaine and John Balliol were sent against them. On the 15th May (Whitsun Eve) a severe action was fought outside the town of Chesterfield, where the party were quartered. Ferrars was defeated and sent back again in fetters to Windsor; D'Eyville and Wake, being at the time out on a hunting party, escaped scot-free.[3] Five or six days later Edward had to root out a robber band, encamped in the woods at Alton in Hants. One Adam Gurdon, who, apparently, had been constable of Dunster under de Montfort,[4] had established himself there. About the 6th May he pushed a raid as far as "Sortegrave," returning quietly by Kimble and Chiltern.[5] The indefatigable prince dashed after him, attacked him in his camp, and, after a hand to hand encounter, carried him off in triumph severely wounded to Windsor.[6]

Action at Chesterfield.

Edward hunting Brigands.

Hand to Hand Encounter.

But still the attack on Kenilworth hung fire, and the King remained at Northampton. His followers now were not so much anxious to hunt down the Disinherited Barons, as to establish a *modus vivendi* with them. One William, an Englishman, Archbishop of Rages in Media,[7] but described as Archbishop of Edessa, who happened to be in England, and acting as a suffragan, was sent by the Legate to talk to the men at Kenilworth; but they, suspecting that he might be armed with an excommunication, ready to be fired at their heads, politely declined to receive him.[8] The King then advanced to Warwick,[9] where his son Edmund had been

Attempts at Settlement.

[1] Rishanger, *d. B.* sup.; Waverley, 370. Henry was at Northampton on the 30th April, when he restored to the Londoners the modified right of electing one sheriff; *Liber*, 85, 86.

[2] Waverley, sup.

[3] Waverley, Dunstable, and Wykes, sup.; *Liber*, 86; Ann. London, 73. For details, see R. Glouc. II 769, 770.

[4] Rishanger, *Chron.* 41.

[5] Dunstable, 241.

[6] 20 or 21 May; Waverley, sup.; *Liber*, 87; Wykes, 189. For Edward's encounter with Adam, and his chivalrous treatment of him, see Trivet, 267, 269; and M. West. III 10.

[7] Ann. London, 73, note Stubbs.

[8] Rishang. *Chron.* 54. On the 14th June a safe-conduct was issued for the "exhæredati"; Pat. 50 H. III m. 63; Pauli.

[9] He signs there on the 16th June.

posted, with a view to keeping Kenilworth in check. On the 21st June, at last, Edward was sent forward from Warwick to break ground at Kenilworth, while on the 24th or 25th of the month a regular siege began.[1]

Kenilworth Castle.

The castle from its strength and size was eminently fitted for a central military post. The massive walls of the outer Ward enclosed a space of more than nine acres, protected on two sides by a lake, the only access being along a narrow bank or causeway, eighty yards long, through the lake, with covering outworks; within the outer enclosure came the fortifications of the Inner Ward or inner Bailey and the Keep.[2] The fortress had become a centre of refuge, and the garrison, numerically, proved itself equal to the forces under the King's command. Henry of Hastings and John de la Ware was the chief in command, with John Musgrave, Ingelram of Balliol, Hugh Wake, John Fitz Walter and other knights under them. Special mention is made of a sturdy chaplain-surgeon—

The Garrison.

> "Maister Peris of Radenore, that was ic understonde
> The stalwardest clerc of al Englalonde." [3]

But they were encumbered with a considerable number of women, children, and non-combatants.

Siege at last.

The King blockaded the place on one side; Edward on another side, Edmund on a third, and Roger Mortimer on the fourth. For a time "ginnes" and "mangonels" plied their stormy hail on either side, day and night. We hear of a wooden tower, mounting catapults, built by Edward; and of a novel structure in compartments or stages, called a Bear (*ursus*) put forward by Edmund. "Barges" for operations on the lake that abutted on the walls were brought from Chester. But none of these appliances proved effective. All roofing and woodwork in the Castle was destroyed, but the masonry remained intact. No effectual assault was ever attempted; while the garrison sallied perpetually, keeping the Royalists at arms' length; they even succeeded in introducing supplies in defiance of them. The gates were said never to have been closed by day-time.[4] Finding that he was making no progress, the King brought up his spiritual artillery. The Legate Ottobuone, and Archbishop Boniface, who had at last returned to England,[5]

The Garrison scornful.

[1] Ann. Winton, 104; Waverley, 37; Dunstable, 242; Wykes, 190, 191.

[2] See Clark's *Military Architecture*, II 130; cnf. Rishang. *de B.* 51, 52.

[3] *R. Letters*, II 289; R. Glouc. II 771.

[4] Dunstable, sup.; Rishanger, *d. B.* 55, 56; Wykes, 191; R. Glouc. II 771.

[5] Boniface landed at Hythe 29 May, Gervase, Cont. II 245, and came to London on the 4th June, *Liber*, 87.

A Mock Excommunication.

were brought to Kenilworth to batter the garrison. Finding them intractable, they excommunicated them with all their abettors.[1] The reckless men retorted with a mock anathema.

> "Cope and other clothes hii (*they*) let make of wit (*mockery*)
> And maister Philip Porpeis, that was a quointe man,
> Clerc, and hardi of is dedes, and hor (*their*) cirurgeon
> Hii made a wit (*mock*) Legate in his cope of wit.
>
> . . . . .
>
> And he stod as a legat upe the castell walle,
> And amansede King and legat and her men alle." [2]

This determined resistance gave weight to the counsels of those who urged a compromise. The King having summoned a Parliament to Kenilworth on the 24th August, to grant him clerical Tenths for three years, was met by a suggestion that they ought to begin by restoring peace to the country. The result was the appointment of a commission to draw up terms to be offered to the Disinherited. Three bishops and three barons chosen in Parliament took to themselves six others, making twelve in all, to act under the supervision of the Legate and Henry of Allmaine. Their labours resulted in an ordinance known as the *Dictum de Kenilworth*;[3] which was ratified in a Parliament convened for the purpose, and finally published on the 31st October.[4]

Call for a Compromise.

"Dictum de Kenilworth."

The ordinance contained forty-one clauses; it began by affirming the plenitude of the King's authority, to be exercised by him without any impediment or 'contradiction,' inconsistent with the approved laws and customs of the realm, thus tacitly repealing the Provisions of Oxford; all writings and obligations entered into by the King or Edward in connexion with the Provisions of Oxford, at the instance of the late Earl of Leicester are declared void. But along with this we have requests to the King (*rogamus et suademus*) to appoint just judges; to respect the liberties of the Church, the two Great Charters, and all grants made by him of free-will and without compulsion. So again

Provisions of Oxford set aside.

[1] Waverley, sup.; Rishanger, *d. B.* 57.

[2] R. Gloucester. I take Hearne's rendering of "Wit." Mr. Aldis Wright gives it as = white.

[3] Ann. Osney, 189; M. Westm. III 12.

[4] Ann. Waverley, 371, 372; Dunst. 242, 243; *Liber*, 88. The men chosen were the Chancellor, Walter Giffard, Bishop of Bath; the former Chancellor, Nicholas of Ely, now Bishop of Worcester; Walter Bronscombe, Bishop of Exeter; Richard Carew, Bishop of St. David's; the Earls of Gloucester and Hereford, and the Barons Roger of Sumery, Robert Walerand, Alan de la Zouche, John Balliol, Philip Basset, and Warine Bassingbourne. The original idea was that there should be four bishops, four earls, and four barons, but apparently the earls could not be found; Rish. *d. B.* 58.

we have a gentle protest against the seizure of men's goods, against their will, and without payment (Purveyance); with a more urgent petition for the restoration of the property and liberties of the citizens of London, 'and that shortly.'[1] But the operative and important clauses were those defining the terms on which de Montfort's followers should be allowed to recover their estates. The scheme adopted was that they should redeem the lands on payment of compositions, varying from one year's to five years' purchase, according to the degrees of their delinquency, as defined by the ordinance. Five years' value was the general fine, but special penalties of seven years' purchase were imposed on Henry of Hastings and the Earl of Derby; while the de Montforts were wholly excluded.[2]

Terms for the vanquished.

The terms were hard. But the hopes of succour from abroad through young Simon de Montfort, in which the garrison had indulged, had been destroyed by the action of King Louis, who had forbidden all transit of troops.[3] Want and cold were beginning to tell upon all at Kenilworth. To save their honour they claimed the usual forty days' respite, pledging themselves to surrender at the end of the time if not previously relieved. The days having expired, they marched out with all the honours of war.[4]

Surrender of Kenilworth.

Under the *Dictum* a certain number of the Disinherited got back their estates. But the adjustment of the terms gave rise to endless disputes and lawsuits, as the sum to be paid in each case depended on delicate questions of fact.[5] Robert of Ferrars III, for one, never recovered his Derby Earldom or estates, both going to the King's son Edmund, Robert and his descendants being reduced to the Staffordshire estate of Chartley.

But hostilities had not been ended with the surrender of Kenilworth. In August John d'Eyville, Nicholas Segrave, and William Marmion had seized the Island of Ely, that last refuge of the outlaw. Cambridgeshire had been pillaged by them, Norwich sacked; the men of Lynn

The Disinherited in Ely.

[1] In November the citizens were allowed to elect two bailiffs for London and Middlesex at the old rent (*firma*), but the Mayoralty was still kept in abeyance; *Liber*, 88, 89.

[2] Statutes of Realm, I 12; *Select Charters*, 410.

[3] Rishang. *d. B.* 55; *R. Letters*, II 304 (Louis to Henry).

[4] The garrison apparently accepted the terms on the 8th November and marched out on the 20th December; Wykes, 195. See also Osney, 192. The *Liber*, 89, apparently dating the agreement on the 31st October, places the surrender on the 13th December. See also Dunstable, 244; and Rishang. *d. B.* 59; also Ann. London, 75, 76, where the forty days are made to run from the 3rd November to the 14th December, and a further list of names of the garrison is given.

[5] See Placitorum Abbreviatio, Henry III and Ed. I *passim*. Some instances are given by Mr. Blaauw, 3 8.

venturing to attack them in their stronghold, had been repulsed with loss. Their numbers were strengthened by some of the Kenilworth men who refused to come in.[1] "But the most formidable hindrance to peace arose from the conduct of the Earl of Gloucester," who, now that all rivalry with de Montfort was gone, comes forward again as leader of the national party,[2] at any rate to the extent of contending for terms for the Disinherited, in opposition to the vindictive greed of Roger Mortimer and other March lords, who objected even to the moderate concessions of the *Dictum* of Kenilworth. The Earl had left the siege openly at variance with Roger.

Gloucester again in Opposition.

To heal the breach Henry summoned a council to meet at Christmas at Osney, where he kept the Feast, but without result.[3] The King having come to Westminster for the Feast of the Deposition of the Confessor (5th January), the Earl did not attend. Being asked to explain his conduct, he answered that if the promises made to him before the battle of Evesham were not kept, foreigners removed, and such of the Provisions as were useful put into force, he would hold himself free to act as he pleased. The foreigners were still a thorn in the side of the English. We are told that at the late Feast the people murmured at seeing the Legate, a foreigner, placed above the King, and helped before him.[4]

No notice was taken of Gloucester's demands; but for the reduction of his allies in Ely, a Parliament was called to meet at Bury St. Edmunds on the 9th of February.[5] The feature of the session, so far as the laity were concerned, was the continued absence of the Earl;[6] so far as the clergy were concerned the bold resistance to Papal and Royal demands. The Tenth for three years requested by the King in the autumn had been acquiesced in. But Ottobuone proposed to apply the proceeds to the liquidation of outstanding liabilities for the Sicilian Crusade; the King to be indemnified by the grant of a special Aid of £20,000 from the clergy. Henry also asked to be relieved of £6,000

A fractious Parliament.

Resistance to Papal Demands.

[1] Rishang. *d. B.* 58; Winton, Waverley, and Wykes, sup., and for the dates John of Oxnead, 233.

[2] In January, 1267, the King, when contradicting the report that he was conferring the Earldom of Norfolk on a foreigner, had also to contradict rumours of disagreement between Edward and Gloucester; *Fœdera*, 467.

[3] Rishanger, sup. 59; Osney, 197; Dunstable, 244.

[4] Rish. sup. 59, 60.

[5] Wykes, 196; the King was there on the 6th February; J. Oxnead, 333; Flor. Cont. II 199.

[6] Rishang. sup. Special invitations were sent to him by John Warenne, the Earl of Surrey and Wm. of Valence. Following de Montfort's cue, Gilbert protested loyalty to Henry and Edward, but denounced Mortimer.

borrowed by his agents at Rome; while the Legate ventured to talk of a fresh Crusade,[1] the objective of the expedition to be determined by the Pope. It really seemed as if all the agonies of the last nine years had been endured in vain! The clergy, at last taking a common-sense view of the matter, protested against a Crusade, as a waste of national resources, and refused to make any grant beyond the Tenths.[2] The Legate then turned to the Ely men, admonishing them as dutiful sons to return to the faith of the Church, obedience to the *Curia* and the King's Peace. They stoutly defended their action in all respects; their creed was orthodox, the faith of St. Thomas of Lincoln (Grosseteste), of St. Edmund of Canterbury (Rich), of St. Richard of Chichester (Wyche); they bowed to Rome as the head of Christendom, but not to the greed of her rulers; the Legate sent to mediate had shewn himself entirely one sided; the terms offered were simple disherison; full restitution was required They also demanded the recall of the sentences passed on the four Bishops, and the observance of the Provisions of Oxford.[3] Finding the men impracticable, the Legate excommunicated them afresh (22nd February), and then, warned that his person might be in danger, fled by night to London. Lent coming on, the King dropped active operations against Ely, and retired with all his forces to keep the Fast at Cambridge, thus leaving the blockading flotilla at the mercy of the outlaws, who promptly attacked and destroyed it.[4] Edward, less observant than his father, went off with a force to the North, where John de Vescy was reported to be organizing a league of Disinherited Barons for the recovery of their estates by force. The promptness of the prince's action, and the conciliatory tone adopted by him, subdued de Vescy; he surrendered Alnwick, threw himself upon Edward's clemency, and so the dangerous movement collapsed.[5]

Orthodox Outlaws.

Ely left to itself.

Before the holy forty days were over, and the King could resume active operations against the men of Ely, a sudden diversion in their favour was sprung upon the nation. The Earl of Gloucester, no longer content with tacit protests, appeared at Windsor with an army, on his way to London, to press his demands. He applied for leave to enter the city. The citizens with their franchises only partially restored,[6] fearful of involving themselves in

Gloucester and the Ely Outlaws.

[1] Already in the previous year an embargo had been laid on wool for money for a Crusade; *R. Letters*, II 308.

[2] Dunstable, 244; and especially the report of the proceedings, Rishang. sup. 62–64.

[3] See their demands, rather extravagant, but still interesting, Rishang. *d.* B. 62–65; *Chron.* 53–56; Wykes, 196.

[4] J. Oxnead, 233; Wykes, sup. In 1257 Ash Wednesday fell on the 2nd March, and Easter on the 17th April.

[5] Wykes, 197, 198.

[6] 'Uncore ne fut nul meir en Loundres, més Johan Adrian et Lucas de

fresh troubles, consulted the Legate. Ottobuone was not quite up to the occasion. Afraid, doubtless, of making a mistake, he said that they could hardly refuse to admit the Earl, who must surely be loyal.[1] The citizens, however, still had their misgivings, and when Gloucester drew near they begged him to take up his quarters in Southwark (Friday, 8th April). The Earl rested in Southwark that night, sending an invitation to the Legate to visit him there on the morrow. Ottobuone, however, preferred to receive Gloucester in Trinity Church, Minories, near the Tower. The result was that Gilbert and his men entered the city quietly, and took possession. Two days later John d'Eyville, Nicholas Segrave, and Robert Willoughby appeared in Southwark, with bands from Ely and elsewhere.[2]

He enters Southwark, and occupies London.

With this reinforcement Gloucester took entire charge of the city, preparing it for a siege. Within a week or so an entire revolution was effected. The Royalist Warden and Bailiffs were ousted, and two popular Bailiffs, with a High Bailiff nominated by the Earl, installed in their places. The political prisoners in Newgate were set free, banished men invited to return. Royalists had to hide their heads, while the Jews sought refuge with the Legate in the Tower. A whole Bailey was assigned to them as their quarter. Better terms for the Disinherited, and a stricter fulfilment of Edward's promises, were the ends announced by the Earl in justification of his proceedings.[3]

Popular Revolution.

It sounds amazing that under the circumstances the Legate should think it his duty to find a pretext for leaving the Tower to go to St. Paul's (*dissimulato negotio*), in order to preach the Crusade there. But so he did: the fact is established by the circumstance that an Italian, Tebaldo Visconti, Archdeacon of Liege, afterwards Pope Gregory X, who was present, took the Cross on that occasion. Perhaps Ottobuone wanted an opportunity of denouncing the Earl, which he did,[4] eventually following up the blow by laying the city under Interdict.[5]

Helpless between the rebellion in Ely, and the armed demonstration in London, the King remained at Cambridge endeavouring to raise

Batencourt, baliffs desoutz sire Johan de la Linde"; *Chronique de London*, 9 (Aungier, Camden Society, 1844).

[1] The action of the Legate must be the basis of the extraordinary allegation in the London Annals, Wykes and the Dunstable chronicle, that Gloucester entered London with the King's leave.

[2] *Liber*, 90; Dunstable, 245; Wykes, 198; Ann. London, 77.

[3] *Liber*, 90–92; Osney, Wykes, 198–201; Dunst. 245; Winton, 205; and the letter of the Legate to the Bishop of Norwich of the 24th April calling for help; *Northern Registers*, 8 (Rolls Series, No. 61).

[4] M. Westm. III 14; Rishang. *Chron.* 57.

[5] 27 April, *Liber*, 91.

forces at home or abroad. Towards the end of April, having been joined by Edward with men from the North of England and Scotland, he advanced to Windsor, where he mustered his forces. On the 5th May he appeared at Ham, to the East of London. Pushing on up to the walls of the Tower, he enabled the Legate to make his escape by a postern near the river.[1] For five weeks and more Henry remained at Stratford-le-Bow, keeping up the semblance of a siege of London, the city being entirely open on the South, and the outlaws in Southwark free to commit depredations in Surrey and Kent.[2] The Counts of Boulogne, St. Pol, and Guines had entered the King's service with 200 men-at-arms and their followers.[3] But to find their pay he had to mortgage jewels prepared for a new shrine for the Confessor.[4] Negotiations between the parties were now at last opened, King Richard, his son Henry, and Philip Basset exerting themselves as mediators. Their task did not prove an easy one. It was clear that the Earl's attempt could lead to no results; but he felt strong enough to insist upon a full and free pardon for all that had happened since he began his march from the Welsh March. On the 15th June the King conceded these terms, undertaking moreover to save the Londoners harmless from all suits and actions for damages, by any persons whatsoever, except suits between traders in the ordinary course of business. Gloucester on his part gave bail to the amount of 10,000 marks (£6,666 13*s.* 4*d.*) for his loyal and peaceable conduct for the future.[5]

Henry and Edward march on London.

Feeble Siege.

Amnesty.

On the 15th or 16th of June the Earl evacuated London, retiring to Southwark; on the 18th June Henry resumed possession, a prudent interval of three days having been stipulated between the time of Gloucester's exit and that of the King's entry (*post triduum*). The popular officials of course had to be removed, but the amnesty was honestly carried out; the Southwark outlaws, d'Eyville, Willoughby,

[1] Ann. London, sup.; Cnf. *Liber*, sup.; Osney-Wykes, 201, 202; Winton, 105; M. Westm. III 15. Henry signs at Windsor on the 30th April, at Stratford on the 10th May; Fine Rolls.

[2] Dunstable, 246; Wykes, 203; *Liber*, 91, 92. Within the walls Gloucester endeavoured to keep order.

[3] Wykes, 204; M. Westm. 16. The Counts landed on the 30th May; Gervase, Cont. II 246; Oxnead, 234. The King had appealed to his half-brother, Hugh le Brun XI Count of La Marche, and his son-in-law, John of Brittany, but in vain; *R. Letters*, II 317, 318.

[4] 28 May, *Fœdera*, I 472; Wykes, sup.

[5] Wykes, 206; and the treaty with Gloucester in French, cited by Pauli, R. Pat. 51 Henry III m. 16, dated 15 June. For the terms see *Liber*, 93. The treaty with the Londoners, also in French, is dated 16 June, *Liber*, 94; so is a supplementary engagement by Gloucester to the King, to give further security if required by the Pope, *Fœdera*, 472.

Segrave and Marmion, all received pardons for their recent offences, the Kenilworth terms being still left open to them. The foreign allies were paid off and dismissed. Edward, whose honour had been impugned by Gloucester's complaints, was induced to shake hands with his accuser.[1] The reconciliation with Segrave, the man most looked up to in Ely, made the reduction of the Isle easy. His mother, who had been left there to fill his place, was privately instructed to offer no real opposition to Edward's entry. A hot summer had reduced the waters of the Ouse to their lowest ebb. The prince, having gained a footing on the Isle through the guidance of a local force, again disarmed resistance by offering free pardon, and liberty to march out to all belligerents. On these easy terms Ely was surrendered on the 11th July.[2]

Reduction of Ely.

But the good work of the year was not yet ended. Peace with Llewelyn was arranged upon terms very favourable to the Prince. He had profited by the troubles of the last two years, ravaging Cheshire, and conquering some of the Mid-Welsh lands held by Mortimer; but the pacification of England left him to his own resources. King Richard, who opened the negotiations, had begun by demanding the restitution of all Llewelyn's recent acquisitions.[3] By the treaty as concluded the Welsh Prince was only required to surrender Mold and Hawarden, being allowed to retain all his other conquests, including Abergavenny, Kerry and Whittinton; while he actually received a grant of the four Cantreds of Perveddwlad, i.e. almost the whole of the modern counties of Denbigh and Flint. The style and title of Prince of Wales was also conceded. With the new title Llewelyn would have the overlordship of all the Welsh barons, except Maredudd son of Rhys, the representative of the old Kings of South Wales, whose homage Henry reserved to himself; Llewelyn also of course would do homage, and pay 25,000 marks by instalments; while provision was made for doing justice to the claims of the Prince's brother David, and those of Gruffudd son of Gwenwynwyn, the Powys chieftain.[4] By the treaty Edward practically surrendered all his Welsh possessions "except Carmarthen and its appurtenant lands";[5] and to his conciliatory

Peace with Wales.

[1] Wykes, 206, 207; Osney, 205; *Liber*, 92–95; Gervase, sup. 246; Ann. London, 78.

[2] Flor. Cont. II 201; Oxnead, 234; Dunst. 246; Wykes, 207–210. Edward had to hurry off to take possession of the Isle of Wight, where some trouble was feared. He passed through Winchester on his way thither on the 14th July; Ann. Winton.

[3] *R. Letters*, II 312.

[4] See the treaty given as negotiated by the Legate Ottobuone; sworn on the King's behalf at Shrewsbury, 25 September; and ratified by Llewelyn at Montgomery, 29 September; *Fœdera*, I 471, 472.

[5] Rhys and Brynmor Jones, *Welsh People*, 332.

disposition the happy conclusion of the affair must be attributed. In fact it was simply a ratification of de Montfort's treaty of 1265. Of all Simon's allies Llewelyn came off best.

The conclusion of the treaty of Shrewsbury was followed by the production of a salutary domestic measure, the Statutes of Marlborough, passed on the 18th November, the second Act of Parliament entered on our Statute Book. By these Statutes, as they were called, the highly popular non-political clauses of the Provisions of Westminster were re-enacted, curtailing the sphere of the courts of private franchise, and the authority of the great lords, to the benefit of the under-tenants, on the one hand, and of the Crown courts on the other hand. Already, therefore, was Simon de Montfort's work bearing fruit.[1]

Statutes of Marlborough.

A fine summer and a bountiful harvest, coupled with the resumption of foreign trade, and the free importation of foreign luxuries—including Gascon wine—helped to lighten the sense of past and present troubles. The younger Baronage, under the leadership of the King's two sons and their cousin, Henry of Allmaine, as if unable to settle down to quieter pursuits, indulged in unrestricted licence of tournaments, now held to an extent never known before.[2] The clergy, however, groaned under the burden of their Tenths, exacted on a new and enhanced assessment, apparently exceeding that introduced by Bishop Walter Suffield of Norwich in 1253,[3] while without the slightest authority the Legate issued writs calling for the levy for a fourth year.[4]

Peace and Plenty.

Tournaments.

That the spirit of forgiveness had not yet reached the King's own heart, is shown by the instructions issued later in the year for a special general inquest throughout the Kingdom. The King calls for information as to lands forfeited, or that might be forfeited to the King; as to outrages committed, more especially on the King's supporters (*sur les feals le Roi*); and generally as to persons, whether men of Religion, clergy or others, who might be found to have assisted Simon de Montfort, or the *desheritez*, in word or deed (*en fet ou en dit*). But the instructions, apparently, were never acted on.[5] Yet again, as late as December, 1269, fifty-seven Lon-

The King still unforgiving.

[1] See Statutes, I 19; Hemingb. I 329; B. Cotton regards the Statutes as a practical reenactment of the Provisions of Oxford. "Rex concessit statuta Oxoniæ observari exceptis paucis," p. 143.

[2] Wykes, 211, 212; *Liber*, 95.

[3] Flor. Cont. II 202; and Wykes, 212–214. 7,000 marks were sent to the Pope for seven years' arrears of his rent; while Clement graciously granted 60,000 Livres Tournois (£15,000) out of the Tenths to Queen Eleanor, to pay her debts; *Fœdera*, 473. At the end of 1264, the Queen had been in debt to the amount of nearly £15,000; Pipe Roll, 49 H. III.

[4] 18 Dec.; R. Pat. 52 Henry III m. 32, cited Pauli, 816.

[5] See the instructions with the names of the Justices or Commissioners for

doners who had absconded in 1265, when the city was surrendered, were banished.[1]

The Royal authority having been re-established, the Cardinal could now turn his attention to the spiritual wants of England. On the 2nd Sunday after Easter (22nd April, 1268) he opened a Legatine Council at St. Paul's.[2] Five archbishops were said to be present, besides prelates from England, Ireland, Wales and Scotland. Ottobuone began by republishing the Constitutions of Otho of 1237, with additions of his own. These last were not very well received, being concerned mainly with the delicate question of pluralities, one that would come home to many of those present. The Constitutions of Otho had already condemned the accumulation of preferment in individual hands. But Clement IX had taken up the matter very warmly, and the present measure, to meet his views, provided more effectual means of dealing with the evil. The Bishops were required to hold special inquests as to preferment held, an unwelcome duty. The opposition in the Synod was carried as far as the lodging of an appeal; to be withdrawn next day, when the Constitutions were passed *nemine contradicente*.[3] Their provisions on the subject of priests' wives or concubines were distinctly moderate; priests keeping women *publice* to put them away, within a month, under pain of deprivation; archdeacons to make yearly inquests as to such cases; notorious concubines not to enter church during service, nor to receive the *Viaticum* at Easter.[4]

Legatine Council.

Pluralities condemned.

We may readily believe that the Disinherited found it very difficult to raise the money for the redemption of their estates. A general contribution for their benefit would not seem an unrighteous or uncalled for measure, considering the national importance of effecting a settlement of their position. But the clergy were still the only class that government could venture to tax. The Legate accordingly in the Council gave his sanction to the imposition of a Twentieth on the clergy, nominally on behalf of the Disinherited, the money, however, to be paid to the King,[5] to induce

Taxation of Clergy.

each county, *Liber*, 96–98. But the same authority tells of another circuit as actually starting in January, 1268, three and three only of the judges being the same; p. 100. The judges on the later list are heard of in Kent in February; Gervase, sup. 248, and in Norfolk in April; Cotton, 143.

[1] *Liber*, 119–121.

[2] J. Oxnead, 235; Wykes, 215.

[3] Wykes, sup; B. Cotton, 143.

[4] For the Canons passed, see Wilkins, Conc. II 1–19.

[5] "Ut rancorem quem contra ipsos susceperat gratiose remitteret"; Wykes, 219, 220; Osney, 218; and especially the Legate's letter to the Northern clergy, Raine, *Northern Registers*, 75. Some of the money at any rate went to Disinherited men, e.g. Wm. Marmion, 50 marks, Id. 19.

him to mitigate his wrath against them. The impost, of course, was in addition to the Tenth exigible for the current year.

Another incident of the Synod that must not be overlooked was the revocation, by Clement's orders, of the sentences passed on de Montfort and his followers, a very gracious act of posthumous amnesty, to be attributed doubtless to the influence of Guy de Montfort, the Captain General of the forces of the Pope's King of Sicily, Charles of Anjou.[1]

After the righteous condemnation of pluralities in the Council, it is startling to hear of the preferment held by the Legate's own brother, Percival di Lavagna. His benefices included the Archdeaconry of Bucks, Prebendal stalls at Lincoln, Ripon and York, with the post of Sacrist of the Chapel of St. Sepulchre in York Minster.[2] In the face of such facts it is not surprising to hear that the Episcopal inquests directed by the Synod mostly ended in pecuniary compositions of a doubtful character.[3] Two months later the Legate wound up his mission by preaching the Crusade in a Parliament held at Northampton, on the 24th June, and preached it with such effect, that the King's two sons, Henry of Allmaine, the Earls of Gloucester and Surrey, and William of Valence, with a hundred and twenty other knights and bannerets, took the Cross on the spot.[4] On the 12th or 13th July the Legate left England,[5] but, if we may believe our chroniclers, not empty-handed.[6]

An Italian Pluralist.

The Crusade again preached.

Of the Archbishops of York the reader has heard but little for some years past. Sewal of Bovill, consecrated in 1256, died in May, 1258. Godfrey of Ludham, or of Kineton, consecrated in September, 1258, died in January, 1265.[7] In March the Chapter proceeded to elect the Dean of York, William of Rudderfield; but the Pope rejected him, appointing instead the celebrated Franciscan, St. Bonaventura. The prudent Friar, however, declined the dangerous honour. Perhaps he had heard of the fate that befel the Italian Canon of St. Paul's in 1260. The Pope then, at Henry's request, translated the Chancellor, Walter Giffard, Bishop of Bath and Wells[8] (October, 1266). Walter then handed over the Great Seal to his brother Godfrey, who became Bishop of Worcester in Sep-

Northern Primates.

[1] So Oxnead, 235, and Gerv. Cont. II 247, both very trustworthy authorities.

[2] See Dunstable, 247, 248; and Raine, *Northern Registers*, 13.

[3] Wykes, 216, 217.

[4] Wykes, 217, 218; Winton, 107. Edward had already consulted the Pope as to taking the Cross; Epp. Clement, IV 79; Pauli.

[5] Ann. Worcester, 458; Oxnead, sup. He left London on the 4th July; *Liber*, 105.

[6] See Wykes, 219; Osney, 217.

[7] *Reg. Sacrum.*

[8] Wykes, 161, 184, 194.

tember, 1268.[1] Walter was not enthroned till the 1st November, 1267,[2] nor apparently did he make his appearance at Court as Archbishop till the 13th October, 1268, when he threw a Parliament into confusion by appearing with his cross carried before him in the Southern Province, the old bone of contention. The indignant Boniface at once laid all London under Interdict,[3] whereupon the assembly had to be adjourned to Winchester.[4]

Obituary.

The year saw the end of the Queen's uncle, Peter of Savoy (before 10th May), who, overlooking a daughter of his own, left all his property, including the Savoy Palace in the Strand, to Queen Eleanor. The promised Earldom of Richmond could then be conferred on the King's son-in-law, John of Brittany.[5]

On the 27th November the notorious Bishop of Hereford, Peter of Aigueblanche, passed away, and two days later Pope Clement likewise paid the debt of nature.[6]

[1] Foss, II 146, 353; *Reg. Sacr.* Godfrey in turn, when he became bishop, passed on the Seal to John of Chishull, Dean of St. Paul's, who held it till the following month of July, when he became Treasurer, the Great Seal being placed in the hands of Richard of Middleton who died in August, 1272: Foss, II 146, 147; *Fœdera*, I 483.

[2] Wykes, 214.

[3] Gervase, 247; *Liber*, 108.

[4] Ann. Winton, 107.

[5] *Fœdera*. I 475, 476.

[6] *Reg. Sacr.*; H. Nicolas; Pauli.

CHAPTER XVI

HENRY III (*continued*)

A.D. 1269–1272.

Edward going on Crusade—Consecration of New Westminster Abbey—Death of Archbishop Boniface—Second Crusade and Death of St. Louis—Assassination of Henry of Allmaine—Death of the King of the Romans—Breach with Flanders—Riots at Norwich—Troubles in the City—Death of Henry III and Proclamation of Edward I.

THE last four years of Henry's reign were passed "in the monotony of a feeble despotism." No further importations of foreigners were attempted. Henry's objectionable favourites had mostly passed away. Those still living had settled down in their places in English society. Grand Councils or Parliaments of Magnates in the old style were regularly summoned at the usual periods, but their proceedings were more marked by talk than business.[1] If any feeling of sympathy for the King had arisen while he was kept in leading-strings by de Montfort, his treatment of the vanquished had speedily dispersed it. But the conduct of affairs was passing more and more into the hands of his able and energetic son.

Henry still unpopular.

A Parliament that met on the 7th April, 1269, distinguished itself by passing a measure to relieve persons in debt to the Jews of some of their liabilities. A practice had grown up of raising money by the grant of annuities, possibly perpetual annuities.[2] These in time would be found very burdensome. Not only were the grants of such annuities now forbidden for the future, but all existing grants were ordered to be given up; the ordinance was passed at the instance of Edward and Henry of Allmaine.[3] Edward's treatment of the Jewry was not destined to be a creditable feature in his career.

Anti-Semite Legislation.

[1] "Rex cum proceribus, ut assolet, diuscule sed nugatorie pertrectando"; etc.; Wykes, 221.

[2] 'Feoda annua.'

[3] Wykes, 221.

But for the moment the Heir Apparent was chiefly taken up with preparations for his pilgrimage to Holy Land. His project in itself would seem very ill-timed. "If the country was at peace, yet the wounds inflicted by the civil war were hardly closed; the King was rapidly advancing in years, with a mind evidently unequal to the cares of his station."[1] Edward's conduct might be attributed partly, of course, to a genuine enthusiasm for the cause, which, till recently, might be considered the common cause of all Christendom, partly, perhaps, to a sense of his father's shortcomings in the matter, partly to gratitude for victory over his opponents. Might we not also suggest that he may have been influenced by the wish to atone for aught that might weigh on his conscience of the doings connected with the civil war? Edward had at any rate the weighty example of the King of France to encourage him. Louis was preparing to indulge the pre-occupation of his life, by undertaking another Crusade. On the 25th March, 1267, to the consternation of all prudent people, he had to again take the Cross, with three of his sons.[2] To him Edward naturally turned for the necessary financial assistance. He went over to Paris in August, and effected a satisfactory arrangement with the King. Louis would advance 70,000 *Livres Tournois* (£17,500), to be repaid by instalments charged on the revenues of Gascony; Edward pledged himself to be at Aigues-Mortes by the 15th August, 1270, if possible, and at any rate to join Louis, wherever he might be, as one of his barons, and to act under his orders 'while on pilgrimage.'[3] Edward was required to deliver a son as a hostage for his observance of the compact. He duly sent over his second son Henry, but Louis promptly returned the infant pledge.[4]

Edward going on Crusade.

Example of Louis.

Edward to serve under him.

But the most interesting event of the year at home, was the consecration of New Westminster Abbey, so far as rebuilt by Henry,[5] the ceremony being held in connexion with the Second Translation of the Confessor King, or the removal of his remains from the place where they had been deposited in the time of Henry II, to the new and beautiful shrine where they still repose.

Consecration of Westminster Abbey.

[1] Lingard.

[2] Lavisse, *France*, III 100.

[3] 27 August, *Fœdera*, I 481; 28 August, *Liber*, 111–114. For Edward's journey to and from Paris, see Id. and Gervase, Cont. II 249.

[4] *Liber*, 122; Flor. Cont. II 204. Edward now had two sons; John, born at Windsor, 14 July, 1266; *Liber*, 87; and Henry, born 1267 or 1268. Neither boy lived to grow up.

[5] Ann. Dunstable, 252. Henry's work ends in the middle of the first bay west of the crossing: the change of style is perceptible in the clerestory windows on both sides; *Gleanings from Westminster Abbey*, G. G. Scott, 24.

The day appointed was that of the original Translation, the 13th October, the King's great day. All England was summoned to appear. But the festivities were marred by more than one untoward incident. Henry had announced a state crown-wearing, or re-coronation, as part of the proceedings, and had warned the civic authorities to be prepared to perform the functions of State Butlery incidental to such a ceremony. The Londoners made ready, at considerable expense. At the last hour they were informed that their services would not be required. The citizens of Winchester had laid a counter-claim to the Butlership, and the King, unable to take up so delicate a question, had given up the crown-wearing.[1] Then, Archbishop Boniface, as was commonly the case, was abroad, engaged on Savoyard affairs.[2] The leading business therefore fell to the Archbishop of York, Walter Giffard, who insisted on having his cross carried before him. In consequence, when the body of the Saint was being carried round the church, the two Kings and other members of the Royal Family lending hands, the Canterbury bishops refused to join the procession, sitting in sullen protest in the monks' stalls.[3]

Hitches.

Civic rivalries.

Ecclesiastical Jealousies.

As usual, a session of Parliament followed; when the King, at last, ventured to ask for a Twentieth from the laity, to balance the Twentieth already extorted from the clergy, the money to be given to Edward for his Crusade. The tax was practically agreed to,[4] the details being reserved for final settlement in the Easter Parliament of 1270. This assembly duly met, namely, on the 27th April, when the Twentieth was finally granted by the Barons, the Bishops also being induced to grant a fresh Twentieth in addition to that of 1268.[5]

Parliaments.

Money Grants.

These concessions, seemingly, were accompanied by the usual grumbling as to the conduct of the administration. It was doubtless to satisfy this discontent, that the two Charters, as given in the final recension of the ninth year (1225), the established text, were once again republished, with an excommunication of all infringers, denounced by eight bishops, with all the awe-inspiring ceremonial already recorded under the year 1235.[6]

Confirmation of the Charters.

But the Parliament had another grave matter to deal with, and that

[1] Ann. Winton, 108; *Liber*, 116.

[2] He sailed from Dover, 18 Nov. 1268, never to return; Gervase, sup. 248.

[3] *Liber*, 117; Wykes-Osney, 226–229.

[4] Ann. London, 80.

[5] Wykes, 227, 228; Winton, 108; B. Cotton, 143, 144; *Liber*, 124; *Letters from Northern Registers*, 23, 24, 25, 38; *R. Letters*, II 336.

[6] 13 May; *Liber*, 122. The sentences of 1252 were expressly referred to. This made the seventh confirmation of Magna Carta so far.

was a fresh coolness that had arisen between Edward and Gloucester.

Edward and Gloucester again.

The Earl ventured to tax the Prince with undue familiarity with his Countess, Edward's cousin, *née* Alix or Alais de Lusignan; Gilbert was absenting himself from Councils and Parliaments; and he utterly refused to join Edward in his Crusade,

Arbitration.

alleging the necessity of protecting his estates from Welsh inroads. Both were ultimately persuaded to submit their differences to the arbitration of the King of the Romans.[1]

On the 27th May Richard gave his award, which was finally confirmed, with some modifications, and published by the King on the 17th June; Gloucester to fulfil his vow by going to Palestine, but not necessarily with Edward. If Edward should start by the month of September, the Earl to pledge himself to follow him in March. If he would consent to go with Edward, the King to give him 8,000 marks (£5,333 6*s.* 8*d.*) towards his outfit, 2,000 marks only if he insisted on going alone.[2]

The last preparations were then hurried on. Already, as a final act of pacification, Edward had induced the King fully to reinstate the

City Franchise restored.

Londoners in their franchises. Once more the City rejoiced in a Mayor and Sheriffs of its own free choosing. But the *Firma* was raised from £300 to £400 per annum.[3]

Yet another delay occurred through a gross outrage perpetrated in Westminster Hall, at a time when King and Queen were occupying

A Brawl in Court of King's Bench.

apartments in the adjoining palace. A lawsuit was pending in the Court of King's Bench between John of Warenne, Earl of Surrey, the King's brother-in-law, and Allan de la Zouche. The parties were conducting their own cases in person. The contention between them waxed so hot that from words they came to blows. The Earl's retainers joining in attacked Allan and his son Roger; Allan was mortally wounded (1 July) and died next month.[4] The Earl was promptly summoned to appear to stand his trial; but an active pursuit in arms, by Edward and the Archbishop of York, was found necessary to bring him to terms. He was required to clear himself, and make atonement by the triple process of compurgation, fine and penance. Five-and-twenty knights would join with him in swearing that the

[1] *Liber*, sup; Flor. Cont. II 203; Wykes, 228, 229; Winton, 108. Gilbert and his wife were divorced next year; Flor. 206.

[2] See the award as given on the 27th May, *Northern Registers*, 27; condensed, Wykes, 229; *Liber*, 123.

[3] *Circa* 1 June; *Liber*, 124; Chronique de Lond. 10. Before the year 1191 the Firma had run from £520 to £530 per annum; Round, *Commune of London*, 232.

[4] 10 August; Flor. II 204.

deed was not premeditated; he would walk as a penitent, barefooted, from the Temple to Westminster, and pay 5,000 marks to the King and 2,000 marks to the injured Allan or his family.[1] On these terms he received a pardon on the 4th August.[2]

Edward takes leave of his Father.

On the same day the King decorated his son with his own Cross, committing to him the fulfilment of the vow that he could no longer hope to redeem in person, at the same time assigning to him the whole proceeds of the Twentieth.[3] Edward had already given the guardianship of his children, and the charge of all his castles, possessions and interests to his uncle Richard,[4] with the Archbishop of York, Roger Mortimer, Philip Basset and Robert Walerand as a council to assist him.[5] On the 5th August he took leave of the Winchester Chapter, requesting the benefit of their prayers, and then started for Portsmouth, intending to sail from thence. But it seemed as if he was never to get away.

Death of Archbishop Boniface.

On the road the news met him of the death of Archbishop Boniface, who had passed away in Savoy on the 18th July,[6] whereupon Edward hastened to Canterbury to press for the election of his chaplain and chancellor, Robert Burnel. But the monks had a man of their own in their eye, their Prior, Adam of Chillenden, whom they meant to elect, and they declined to hamper themselves by any pledge. Much mortified to find his efforts fruitless,

Edward sails.

Edward went on to Dover, and there finally set sail on the 20th August.[7] His faithful wife had already gone to Gascony on the way; while Henry of Allmaine and his newly married wife, Constance of Bearn, embarked about the same

1 Winchester, 3 August; Ann. Winton, 108, 109; Wykes, 235.

2 *Fœdera*, I. 485.

3 *Fœdera*, sup.; *Liber*, 125. See also *R. Letters*, II 338.

4 2 August, *Fœdera*, sup.

5 *Fœdera*, 484; *Northern Registers*, 39. Walerand was an official much employed by Henry from 1246 onwards; he became Justice of Assize and Steward of the Household. In 1253 he married Beatrice, daughter of Robert Bruce (? Robert VI). The Walronds of Devonshire are believed to be descended from him or his brother John; Foss. II 503.

6 Flor. Cont. II 205; Gervase, Cont. II 250; *Reg. Sacrum.* Boniface, if not a scholar or divine, was at any rate a man of careful businesslike habits, and cleared the See of 22,000 marks of debt, laid on it by Stephen Langton, Richard Grant and Edmund Rich. See the remarkable eulogies passed on him by Wykes, 235, 236, and the Continuator of Gervase, II 250, where his extension of the right of visitation is applauded as a worthy act. "Vir miræ simplicitatis . . . sobrie degebat . . . humilis, pudicus, modestus"; Wykes. *Contra*, however, of his death, "tota lætatur Anglia, specialiter Cantuaria"; Hook, Archbishops, II 302. It was certainly remarkable that Boniface should leave the See in a flourishing state, as he never regarded it as anything but a source of revenue.

7 Ann. Winton, 109; Gervase, II 252; *Liber*, 125; Wykes, 236. Edward was at Canterbury 17 August. Chillenden was elected on the 9th September, but rejected by the King.

time.[1] Seventy-nine Crusaders, barons, knights, esquires and clerics had received safe-conducts to accompany Edward. Chief of these were William of Valence, Thomas of Clare, Roger Clifford, Eustace Balliol, also the future Bishop of Durham and Patriarch of Jerusalem, Anthony Beck, a man of whom we shall hear much.[2] Having landed in Gascony, presumably at Bordeaux, Edward duly made his way through Languedoc to Aigues-mortes, the trysting place and port of embarkation appointed by King Louis. But before the prince could have landed in Gascony, much less reached Aigues-mortes, King Louis had passed away, and his whole expedition come to utter grief. Louis, after being detained for a considerable time, among the malarious swamps of Aigues-mortes, waiting for shipping, had set sail on the 1st July for the coast of Africa, in the height of summer heat. On the 17th of the month he cast anchor off the coast of Tunis, in the deserted harbour of old Carthage. As to the motives that induced the King to turn his efforts in that direction, men were divided in opinion. According to some, he thought Tunis the vulnerable side of Egypt, the real objective. Others understood that Louis had been led to believe that Muley, the King of Tunis, was inclined to turn Christian, and would re-endow the chair of St. Augustine; while the English writers believed that Tunis had been selected for attack out of regard for the Mediterranean schemes of the King of Sicily.[3] On the 25th August Charles of Anjou landed at Tunis, with reinforcements, to find that his brother had just succumbed to the dysentery that was decimating his host; his son Philip, third of the name, was now King of France; a younger brother, John, had shared the father's fate.[4]

His journey to Aigues-Mortes.

Louis already dead.

Failure of his Crusade.

Edward, after a somewhat leisurely journey through Languedoc, reached Aigues-mortes late in September. The news of Louis' death must have reached him there. But, at the invitation of the young King Philip, he sailed for Tunis, either on Thursday 2nd,[5] or Friday 3rd, October.[6] He touched in the Island of Sardinia,[7] and, presumably, at a good many other places on the way, as he is said to have only reached Tunis on the 9th Novem-

Edward sails to Tunis.

[1] Wykes, sup. Henry married Constance, daughter of Gaston of Bearn, 15 May, 1269; *Liber*, 109; Pauli.

[2] *Fœdera*, 483, 484.

[3] So Wykes, 237; Rishang. *Chron.* 66; *Liber*, 133; M. Westm. III 20. This view seems to be combated by R. Sternfeld, *Ludwigs des Heiligen Kreuzzug nach Tunis*, etc., 1896, cited Lavisse.

[4] See Martin, *France*, IV 324–330; Lavisse, III 101, 102; Rishanger, *Chron.* 65.

[5] Hemingb. I 330; *Liber*, 126.

[6] Wykes, 238.

[7] M. Westm. III 20.

ber, a five weeks' voyage.[1] To his great mortification he found that there was nothing to be done. Young Philip was anxious to take possession of his Kingdom. Muley had come to terms with the King of Sicily, giving him all that he wanted, and signing a truce. Edward, however, being still resolved on his pilgrimage to Holy Land, accepted King Charles' invitation to winter with him in Sicily. On the 18th November he received his safe-conduct, and on the 22nd of the month landed at Trapani.[2]

On to Sicily for Winter.

Henry, whose health and strength had long been failing, soon began to miss the support of his energetic son. On the 6th of February, 1271, he wrote to Edward, confessing himself unequal to business, and pressing him to come home; if the King of the Romans should be called to Germany, or to Italy, England would be left without an effectual head.[3]

In fact, a strong government was much needed. The country was still in a very disorderly state; great men despised the law; we hear of Matilda Longspere, described as a Baroness in her own right, a woman in weak health, and probably elderly, being carried off by John Giffard of Bromfield, to force her to marry him.[4]

It was presumably in answer to his father's appeal, that Edward sent off his cousin Henry, in company with young Philip of France and the King of Sicily. Philip was going home to be crowned; Charles was anxious to hasten the work of the Cardinals, who were sitting in Conclave at Viterbo. Clement IV had been dead for fifteen months, but the Papal Chair was still vacant. On the 9th March the distinguished party reached Viterbo, travelling under Charles' protection.[5] They found the two de Montforts, Simon and Guy, at Viterbo. Guy, a man of considerable military capacity, was high in favour with King Charles, who had appointed him Deputy Vicar of Tuscany, and married him to Margaret, daughter of Count Aldebrandini dell' Anguillara, surnamed "*Il Rosso*," or "*Le Rus*."[6] Simon, less in request as a soldier, had linked his fortunes to those of his brother. On Friday, 13th March, the two Kings attended the usual daily Mass in the

[1] So *Liber*, sup.; Wykes, 239, makes him land on the 16th November. It seems clear that Edward's stay in Tunis was very short; Hemingburgh, sup., has it that Edward landed in Tunis about the 10th October, and reimbarked for Sicily on the 20th of the month; but his dates are refuted by the safe-conduct made out at Carthage, 18th November.

[2] Wykes, 237–239; *Liber*, 131, 132; M. Westm.; and Rishanger, sup.; Hemingb. 331; *Fœdera*, I 486. The safe-conduct is dated at Carthage.

[3] *Fœdera*, 487.

[4] *Fœdera*, 488. For brigandage and petty crime in general, and sometimes even knights being hung, etc., see Ann. Dunst. 251, 252.

[5] Tillemont, V 198, cited Pauli.

[6] Wykes, 241; M. Westm. III 17; Oxnead, 238, and notes.

church of the Franciscans, while Henry of Allmaine attended the service in another church, apparently the parish church of St. Silvester's.[1] Just as Mass was ended, before Henry had risen from his knees, his cousins burst into the church, crying, 'Thou traitor, Henry, thou shalt not escape.' Henry sprang to the altar, but the altar gave him no protection. Of two officiating priests, who endeavoured to protect him, one was killed outright, the other left for dead. Henry's cries for mercy were met with the monstrous retort, "*Tu n'eus pas pitié de mon père et de mes frères.*" Henry had not been at Evesham, and his conduct and that of his father, throughout the troubles, had been marked by the greatest moderation. Covered with wounds he was dragged out into the street to die.[2] On the 15th May his corpse was brought to London ;[3] his heart was buried in a gilt urn at Westminster, by the shrine of the Confessor ; and his body finally laid to rest at Hayles in Gloucestershire, his father's foundation, on the 21st of the month.[4]

The Murder of Viterbo.

The criminals were not brought to justice as promptly as they should have been. Both found shelter with Guy's father-in-law in Tuscany. Simon, however, died within the year.[5] Not till 1273 was Guy committed to prison by Gregory, and then only under pressure from Edward. In 1283 he was set free by Martin IV for military service in Romagna, and in the war between Arragon and Charles of Anjou, Guy's old patron. In Charles' cause he was captured at sea, near Naples, by Roger di Loria, the Arragonese Admiral (24th June, 1287), and consigned to a Sicilian dungeon, from which, in spite of the efforts of all friends, he never got free.[6]

End of the Criminals.

It sounds amazing, that after the Tunisian fiasco, men could yet be found to embark on Crusade. Nevertheless, early in the year (1271), the two Edmunds, the younger sons of Henry and Richard, had both gone out to join Edward in Sicily. At the report of the murder of Viterbo, Edmund of Cornwall was promptly recalled by his distracted father, the other Edmund remaining with his brother.[7]

[1] Flor. Cont. II 206 ; M. Westm. III 21 ; *Fœdera* ; Blaauw, *Barons' War*, 342.

[2] See the reports of the murder sent to King Richard on the same day by Charles, *Fœd.* I 488 ; by Philip, *Liber*, 133 ; the statement drawn up by Gregory V, *Fœd.* 105 ; G. de Nangis, Bouquet, XX 485 ; Villani, III c. 30. "J'ai fait ma vengeance," Guy said to his friends outside.

[3] *Liber*, 133.

[4] M. Westm. III 22 ; Ann. Winton, 110 ; Osney, 244.

[5] Westm. sup.

[6] Blaauw, 347, 348 ; Trevet, 308 ; Westm. III 67 ; Wav. 406 ; Dunst. 340 ; Martin, *France*, IV 385 ; Mr. Blaauw, however, gives the year of Guy's capture as 1288, wrongly.

[7] Flor. Cont. II 206 ; Winton, 110 ; Wykes, 243, 244. For the retinue of the King's son, which included Robert Bruce VII, see *Fœd.* 483.

Fortunately for the credit of the English name Edward's winter in Sicily was not marked by any repetition of the incidents that distinguished the sojourn of the Lion-hearted Richard. In the course of the spring, he sailed from Palermo to Syria,[1] touching in Cyprus on the way, but again, unlike his great uncle, coming peaceably, was received as a friend. Landing at Acre, he found the place closely besieged by the victorious Sultan of Egypt, Bibars Bandokdar, and on the point of surrendering. Edward raised the siege, but, with his slender force, could not venture on any pitched encounter in the field. Hoping and hoping always that reinforcements might yet reach him, he remained some eighteen months at Acre,[2] condemned to be content with petty raids, as to the Casal of St. George, between Acre and Safed, in the North ;[3] to Nazareth to the East, and to Caco, now Kakoun, to the South, in all of which, we are assured, he did great execution.[4] We also hear of an offer of co-operation by the Khan Abaga, one of the Mogul chiefs settled in Persia, who were contending with the Egyptian Sultan.[5]

Edward in Sicily.

Landing at Acre.

At home the reign of Henry III was rapidly winding itself up. The unfortunate King of the Romans never rallied from the blow dealt him by the de Montforts. On the 12th December he fell seriously ill at Berkhampstead, and partook of the *Viaticum*. Next day paralysis declared itself. For sixteen weeks he lingered, and then passed away on the 2nd April, 1272. Next day he was laid to rest, beside his murdered son in the Cistercian Church at Hayles, his own foundation ; his heart was placed with the Friars Minors at Oxford.[6] Richard was certainly an abler, and, probably, a more honest man than his brother. For the period from the time of the fall of de Burgh, to that of the advent of young Edward, he was the best adviser the King had, when the King could be induced to take advice. On the other hand, Richard took little interest in matters that did not concern himself ; his chief talent was for making money, while his reputation for wisdom must be considered greatly shaken by his acceptance of the German Crown. His private life was as pure as that of his brother. For Germany, his nominal reign of fifteen years,

Death of Richard King of Romans.

Review of his Position.

[1] According to Marinus Sanutus the elder, cited F. Wilken, *Kreuzzuge*, VII 594, Edward landed at Acre on the 9th May. Hemingburgh makes him land about 19th April.

[2] *Liber*, 131, 141 ; Wykes, 244, 245.

[3] Archer and Kingsford, *Crusades*, 404.

[4] M. Westm. III 23 ; Hemingb. I 333. July–Nov., Wilken, 597–600.

[5] See the treaty dated 4th September, *Liber*, 143 : for later intercourse, *Fœd.* I 520. For Tartar ravages in Syria in 1271, see Wilken, sup. 598.

[6] Osney-Wykes, 247, 248 ; Flor. Cont. II 207 ; Rishang. *Chron.* 68.

His Reign in Germany.

represented by four visits of a few months each,[1] was simply disastrous. It enabled the magnates to establish territorial independence, with all the incidents of feudal anarchy and oppression. In his last visit (1268–1269) Richard held Diets at Worms, and passed well-meant decrees against the robber barons of the Rhine; but, left without support, the ordinances fell to the ground.[2]

Richard was thrice married; namely, first to Isabel Marshal, widow of Gilbert of Clare I, Earl of Gloucester (1231); secondly, to Senche of Provence, sister to the Queen (1243); and thirdly to the beautiful Beatrice of Falkenstein, 'the Pearl of Women.'[3] This marriage was contracted during his last stay in Germany (Lokeren, 16th June, 1269).[4] By Isabel he left Edmund, who succeeded him in the Earldom of Cornwall; and by Senche a son Richard, killed at Berwick in 1296.[5] The unfortunate Henry, his eldest son, had married in May, 1269, Constance, eldest daughter of Gaston VII of Moncade,[6] an alliance from which great things had been expected for the future of the English dominion in Gascony. The marriage, however, proved barren.

His Marriages.

With his brother gone, and his two sons in Palestine, the old King was now left almost alone in the world. His old minions, Peter, Thomas, and Boniface of Savoy, and Peter of Aigueblanche, were all dead; only William of Valence survived, and he too was on Crusade. The only men of position left in England were the unstable Earl of Gloucester, and the loyal Earl of Surrey (Warenne), with Walter Giffard the Archbishop of York. Yet matters needing delicate handling were not wanting. By the treaty of Paris of 1259 the reversion of certain lands had been assured to Henry, contingently on the deaths without issue of Alphonse, Count of Poitou, and his wife Jehane, the last scion of the great House of Saint-Gilles. These cessions would include Saintonge South of the Charente, the Agénais, and, subject to an inquest as to certain questions of fact, some lands in Querci. For the Agénais Louis had bound himself to pay an interim *ferme* of 1,200 marks (£800) a year.[7] Both the Count of Poitou and his wife

Treaty of Paris coming up.

Cessions now exigible.

[1] Namely from May, 1257, to January, 1259; from June to October, 1260; from June, 1262, to February, 1263; and from August in 1268 to the same month in 1269; J. F. Boehmer, Reg. Imp. 39–50.

[2] Wykes, 222; Pauli, I 828.

[3] "Gemma mulierum"; Osney, 224.

[4] Wykes, 224. For the dates of Richard's other marriages, see above, and *G. E. C. Peerage*.

[5] W. Hemingb. II 48. For Richard's reign, see Gebauer, Leben, etc., Herrn Richards.

[6] *Liber*, 109; Osney-Wykes, 222, 223; Blaauw, 341.

[7] See above, 183, 184.

were dead, having succumbed on their return from Crusade to maladies contracted at Tunis. The Agénais rent had been duly paid,[1] but other provisions of the treaty had yet to be fulfilled. Henry was prompt in demanding assignment of the lands, and the general execution of the terms of the treaty, excusing himself from rendering homage in person on the ground of ill-health.[2]

Breach with Flanders.

Then England and Flanders, usually so friendly, were, if not at war, yet in a state of commercial rupture, so to speak; trading intercourse between the two countries being suspended. The aged Countess Margaret had suddenly demanded satisfaction of an unrecorded pension of £400 a year, alleged to have been granted by the King, with arrears; and had not only seized goods belonging to English merchants, but actually sold them, to the value of £7,000, as was afterwards ascertained.[3] Henry retaliated by arresting all Flemish goods, and forbidding all exportation of wool, an order cut down by Parliament to the simple prohibition of sending wool to Flanders.[4] The countess still failing to come to an understanding with Henry, all Flemings in England, not engaged in weaving cloth, were ordered off.[5] The affair engaged the attention of the October Parliaments of 1270, and 1271, and the January Parliament of 1272. The dispute remained unsettled at the King's death, and, like the negotiations with France, was bequeathed to his successor.

Riots at Norwich.

Domestic turbulence harassed the last hours of the dying King. On the 11th August an unprecedented outrage was perpetrated at Norwich. The Cathedral, and conventual buildings were attacked by an armed mob of the townspeople, as the climax of a series of disputes and struggles between the Prior and the city. The Ethelbert Gate, the parish church of St. Ethelbert, the Priory, and a belfry were burnt down; the woodwork of the Cathedral caught fire, but the fabric was not seriously injured.[6] The clergy generally were hard landlords; and the Prior claimed seignorial rights, resisted by the burghers as inconsistent with their charters. The Cathedral treasury was plundered, the monks scattered, and blood spilt on either side. Three days the riots lasted. The clergy having expended their anathemas upon the offending city without result, Henry had to take the matter up himself. On the

[1] Hitherto it had gone mainly into the pocket of the King's son-in-law, John of Brittany; now it went to the Queen; *Fœdera*, I 476.

[2] October, 1271–January, 1272; *Fœdera*, I 490, 491. For the Agénais rent, see 480, 482.

[3] Sept. 1270; *Liber*, 126. See also *Fœdera*, 513.

[4] October, 1270; *Liber*, 126, 127.

[5] May–June, 1271; Id. 135–140, 142–144; *R. Letters*, II 339. The King of France supported the Countess; *Northern Registers*, 41.

[6] See *Norfolk Antiquarian Miscellany*, I 22–27, where the exaggerated assertions of the chroniclers are corrected.

1st September he came to Bury St. Edmunds, calling for levies to enable him to deal with the offenders. On the 11th of the month he moved on towards Norwich, where he remained thirteen days, holding a Bloody Assize. Thirty-four men and one woman were executed, the bodies of some being burnt after execution; the city charter was suspended, and the town condemned to pay £2,000 to the monks. But the King's justice was not wholly one-sided. The contentious Prior, William of Burnham, was forced to resign; three clerics convicted of plundering were committed to the gentle care of their bishop; and the Capitular estates taken into hand.[1]

"A Bloody Assize."

From the itinerary supplied by the public records we learn the fact, unnoticed by the chroniclers, that from Norwich the King went to Bromholm, and Walsingham,[2] obviously to render due homage to those noted East Anglian shrines.

Henry returned to Westminster in time for the usual Translation Feast,[3] but only to be worried to death by a disputed election to the Mayoralty. On the 28th October, the regular day, the citizens met in the Guildhall, when the aldermen elected Philip le Taylour. But the lesser people, who apparently claimed a veto, if not a direct voice in the election, insisted on having one Walter Hervi or Hervy,[4] a man who had been Mayor before. Walter had ingratiated himself with the people, by maintaining that the city would be cleared of debt and future tallages, if only the outstanding arrears of tallages were impartially levied. We are assured that the arrears in question were, in fact, remissions specially granted by the King to favoured citizens; a hardship to the others, no doubt, but one that under the existing form of government could not well be helped. Both parties at once marched off to Westminster, to press their claims upon the Council. The Council, loth to disturb the King, but afraid to decide without him, put them off, telling them to settle the matter amicably among themselves. So it went on, neither party giving way. Day after day, the whole collective mob of London met and howled in Westminster Hall, within earshot of the dying King. The affair was not yet settled when Henry passed away.[5]

A last Difficulty.

[1] See Florence, Cont. II 208, 209, copied by Oxnead; B. Cotton, 146–149; Rishang. 73; comparing the lay account of the dispute, *Liber*, 145–148. The outbreak was a simple anticipation of the Wat Tyler riots. According to the records given in the *Norfolk Antiquarian Miscellany*, above, the total of the executed for the riot may have reached 48. For the penalties finally imposed on the citizens by Edward I, see Cotton, 152; Flor. Cont. II 215.

[2] Sept. 27–29; Fine Rolls.

[3] Henry duly held the Feast and knighted his nephew, Edmund of Cornwall, Henry de Lacy, Earl of Lincoln, and other noble youths; *Liber*, 154; Osney, 253.

[4] Chron. London (Aungier), 11, 12.

[5] *Liber*, 148–152.

Late in the afternoon of Wednesday, 16th November (*sero*), Henry was gathered to his fathers.[1] But the City question would brook no delay. On the very next day Archbishop Giffard and the Earl of Gloucester thought it necessary to go down to the City, to proclaim a general peace, to include both Jews and Christians, in fact the Peace of the uncrowned Edward, as if to dispel any popular idea of an interregnum, or the suspension of the reign of law. Finding the aldermen still stickling for their rights, Gloucester cut the knot by ordering them to hold a general folksmote, in St. Paul's Churchyard, on the morrow. With a popular assembly the return of the popular candidate was a foregone conclusion; and, accordingly, on the 18th November Walter Hervy became Mayor of London for the second time.[2]

Death of the King.

The City Squabble ended.

On the fourth day from his death, namely Sunday, 20th November, Henry was buried with all due pomp in Westminster Abbey, being laid behind the high altar, in the tomb till lately hallowed by the bones of the Confessor. Eighteen years later the body was removed by Edward I to the present site, close to the shrine of the Confessor.[3] The funeral rites concluded, the Archbishop of York, the Earls of Gloucester, Surrey, and Hereford, and other magnates present, went up to the altar, and, without further prelude or formality, swore allegiance to their Lord King Edward.[4] Henry's Great Seal was then publicly broken. On the 23rd November the Lords of the Council, sitting *en permanence* at the Temple, produced a new Seal, the only alteration being that of the King's name; while Walter of Merton was again appointed Chancellor.[5] The first writ issued under the new Seal was a proclamation in Edward's name, announcing that the crown had devolved on him, 'by hereditary succession and the will of the magnates,' and enjoining observance of the peace.[6] Thus "for the first time the reign of the new King began both in law and in fact from the death of his predecessor." The dangers attendant on the doctrine of the abeyance of the King's Peace, during the vacancy of the throne, were avoided,[7] but "it was not till the reign of Edward IV that the still newer theory that the King never dies was accepted."[8]

Obsequies.

The new Reign proclaimed.

No Interregnum.

[1] Memorandum on the Fine Rolls, Excerpta, I 590; *Fœdera*, I 496.
[2] *Liber*, 152, 153.
[3] 10 May, 1290; Flor. C. II 242; J. Oxnead, 276.
[4] M. Westm. III 28; Wykes, 252; *Liber*, 153.
[5] Walter had been Keeper in 1258 and Chancellor in 1261.
[6] *Liber*, 154, 155; *Fœdera*, I 497; Ann. London, 182.
[7] For fears of trouble at the King's death, see *Liber*, 152.
[8] Stubbs, *Const. Hist.* II 107.

Regency already settled.

The question of the Regency gave no trouble. Before sailing for the East, Edward had appointed Administrators to take charge of his possessions and interests. It was assumed that the government of the country would fall to them as a matter of course. Of the Administrators named by Edward the only men surviving, and present in England, were the Archbishop of York, Roger Mortimer, and Robert Burnel, and they at once assumed the function of a Regency committee.[1] The arrangement was confirmed by the January Parliament of 1273, to which four Knights of the Shire and four citizens from each borough were called to appear.[2]

Henry's Will.

Henry III left a Will, executed at Southwick on the 1st July, 1253, in contemplation of his voyage to Gascony. By this Testament he directed his body to be buried in Westminster Abbey: the guardianship of his children and dominions he committed to Queen Eleanor: his treasure, other than jewels, he gave for help to Holy Land, to be carried thither with his Cross, by trusty hands (the cross was taken out by Edward); the completion of the building of Westminster Abbey he laid on his eldest son, with 500 marks for the new shrine of the Confessor, the money to be raised on his jewels. As for his debts, the Queen would satisfy them, out of the surplus revenues of his dominions, during the minority of his children, especially the sums due to the knights and others of his household. Lastly he bequeathed a cross given him by the Countess of Kent, a silver image of the Virgin, and the white vestments of his chapel to Westminster Abbey; a golden cross, and another image of the Virgin, with other vestments he left to his eldest son. Among the executors were his brother Richard, Boniface and Peter of Savoy, Aylmer de Lusignan, and John Mansel [3]—all now dead.

His personal Appearance, and Character.

Of Henry's personal appearance all that we gather is that he was rather stout, of middling height, and that his left eyelid drooped to such an extent as partially to obscure the pupil.[4] Of his character, if we look for what we have to praise, we must admit that his private life was domestic; that he was an affectionate father and husband; averse to cruelty and bloodshed; liberal in spending, refined, and endowed with good taste in matters of art. Beyond that little can be said of him. He was vain and mean, false and foolish; shifty in his dealings, yet provokingly persistent in his general lines of

[1] See 7th Report of Deputy Keeper, App. II 259.

[2] Ann. Winton, 113; Worcester, 462.

[3] *Fœdera*, I 496.

[4] Trevet, 280; Rishang. *Chron.* 75. It would seem that the bronze monumental effigy of Henry III, executed about 1291, was not intended for a likeness, but only as an ideal of the stately and the beautiful. So the late J. H. Middleton, Academy, 5 March, 1881. The cast was the work of Wm. Torell, Goldsmith.

conduct; without regard for the wants or feelings of his subjects, he seemed, as a ruler, born to provoke opposition to authority. He was supposed to be a friend to the clergy, and he certainly patronised the Universities; but the clergy had never been more plundered, nor rights of patronage more infringed, than during his reign. His liberality was all for the benefit of his family circle, a set little in touch with his subjects. If after a sort he was deeply religious, his piety was the merest superstition, worship of relics and the like, uninspired by any higher spiritual feelings. His devotion to the Mass was unequalled. He usually heard three Masses a day [1]—more if he could. On one occasion, in Paris, a Council was said to have been seriously delayed, two days running, because he had stopped to have a Mass celebrated at each church that he passed, on his way from his quarters to the Royal Palace, contiguous to the *Sainte chapelle*. Louis, who carried his religion into daily life, ventured to hint that it would be better to hear more sermons and fewer Masses. Henry is credited with a beautiful answer, the only fine saying recorded of him, but one to modern ideas amazingly far-fetched. 'He would at any time rather see his friend than hear of him.' [2]

St. Louis and Henry.

[1] Trevet and Rishanger, sup. "Tres Missas cum nota."

Lettres des Rois, etc., I 140–142 (Champollion-Figueac).

CHAPTER XVII

HENRY III (*continued*)

A.D. 1216–1272.

General national expansion—Constitutional ideas—Law and Judicature—Architecture—Literature—The Universities—Men of the Period—Financial Survey — Pipe and Pell Rolls — Wardrobe Accounts — Estimates of Revenue—Parliamentary Grants—Household Expenditure—Miscellaneous Receipts—Currency and Prices—Steelyard Corporation—King's Issue.

THE reign of Henry III will always be chiefly remembered in connexion with the growth of constitutional ideas, and the enunciation of the principles of ministerial responsibility, and popular representation. We have seen those principles not merely propounded as abstract theories, but accepted by the nation, as practical axioms, and, where possible, enforced. Again and again we have seen the King obliged to submit to the most mortifying refusal of supplies, because he would not govern as his people wished. The events of the reign leave the Crown in the position, that for the future, if it would give effect to its prerogatives, it must do so "by legal and politic management, not by unwarrantable claims or despotic aggressions." [1] But the constitutional development was, in fact, only the crown and expression of general growth. On all sides we find the nation as it were bursting the crust of a long winter, and putting forth thick buds of spring time, the harbingers of future harvests.

Expansion of Ideas.

Constitutional Principles.

The Common Law begins to assume its distinctive features. The technical terms of the time begin to have a meaning in our ears. "The reign is in the history of our law an age of rapid but steady and permanent growth." In the treatise of Bracton, *De Legibus Angliæ*, we have a finished and systematic performance, "The crown and flower of English mediæval jurisprudence." [2] On

Law.

[1] Bishop Stubbs, *Const. Hist.* II 104.

[2] For the Age of Bracton, see Pollock and Maitland, I 174–225. The writer's name should be Henry of Bratton, as he was a native of a place of that name in Devonshire; he probably began as clerk to William Raleigh. For his judicial career 1248–1268, see Id. 206. The so-called "Britton" is an independent work in French, and put into the King's mouth. "Fleta" again, "is little better than an ill-arranged epitome of Bracton," 210.

the leading principles of Real Property Law it is the basis of all subsequent text-books.

The reader, however, must not imagine that all the landmarks of the older law had vanished. 'Soc and Sac,' 'View of Frankpledge,' 'Presentment of Englishry' were still living institutions.

Survivals of older Law.

The County Courts and Hundred Courts met as of old, but with diminished attendances, magnates now being excused formal attendances. The Charter of 1217 had required the shiremote to be held not oftener than once a month, and the Hundred court twice a year. This arrangement, which was inconsistent with ancient usage, and was perhaps the result of a mere clerical error, was corrected by a supplementary edict issued with the consent of the barons in 1234, whereby the King directed the courts of the Hundred, the Wapentake, and the private franchises to be held every three weeks;[1] the general County Courts twice a year. These Courts are thus shewn to be "substantially the same as in Anglo-Saxon times, when the shiremoot was held twice a year, and the Hundred moot once a month."[2]

By the Statute of Merton freemen were empowered to appear in the local courts by attorney, a great relief, of which full advantage was taken. By the Provisions of Westminster, and the Statutes of Marlborough magnates were relieved from the necessity of attending the sheriff's Turn. Among the minor institutions of the reign, may

Judicature.

be reckoned the Chancellorship of the Exchequer, which apparently dates from the 32nd year: this officer had charge of the Exchequer Seal, and took part in the Equitable jurisdiction of the Court of Exchequer.[3]

The post of Chief Justiciar or King's Chief Executive Officer in all matters, civil or military, had finally expired on the field of Evesham with the death of Hugh le Despenser. The office, in fact, had been allowed to drop at the fall of Stephen Segrave in 1234, and was only revived for a time by the Barons. The later Chief Justice of England is merely the President of the Court of King's Bench, a purely legal functionary, and drawing a salary sometimes of £100 a year, sometimes of 100 marks a year, while the puisne Judges receive either £40 or 40 marks a year.[4] As Chief Justiciars, Hugh Bigot and Ralph Basset had drawn 1,000 marks a year. Hitherto the judges had been mostly clergymen. "Before the end of the reign the lay element among the King's judges is beginning to outweigh the ecclesiastical"; and a class of professional lawyers begins to form itself.[5]

[1] For the manor courts meeting every three weeks, see entries given by Rogers *History of Prices*, e.g. II 653.

[2] *R. Letters*, I 450; Dunst. 140; Stubbs, *Const. Hist.* II 273.

[3] See Stubbs, sup. 275.

[4] Foss, *Judges*, II 155.

[5] Pollock and Maitland, I 205.

The institution of trial by jury, still, of course, in a rudimentary stage, is now made applicable to criminal as well as civil business.

Trial by Jury.

After the abolition of ordeals by the Fourth Lateran Council (1215), an abolition accepted with alacrity in England, the judges, as a more rational proceeding than either compurgation or wager of battle,[1] adopted the plan of giving the accused an appeal from the presentment of the Twenty-four to a second jury of Twelve, specially summoned from the neighbourhood. These jurors, however, still gave their verdict, not from the evidence of others, but from their own personal knowledge or belief as to the circumstances of the case. The process of entering such an appeal was termed 'putting oneself upon one's country.'[2] The old modes of procedure, however, were not abolished. "Proof by battle we shall have with us till 1819, proof by oath-helpers until 1833; but from this moment onwards they are being pushed into the background."[3] To this reign we may also ascribe the final severance of the Court of Common Pleas from that of the King's Bench.[4]

The Boroughs.

By the end of the reign the emancipation of the boroughs was "practically complete." The number of charters granted by the King of the Romans to the petty towns on his Cornish estates was such as to enable them centuries later to sway the destinies of the Empire.[5]

The Villeins.

For the agricultural labourer we cannot say as much. Commutation of personal service has begun, a change sometimes complained of in the first instance as a hardship,[6] but tending infallibly in the long run to give the labouring man a larger share of the products of his industry. But the struggle for severance from the land, the vital point, has not yet begun. The services of the villein tenants are still the chief item in the returns of a manor.[7]

Architecture, "the great art of the middle age," rose to its height in the thirteenth century. England, still influenced by foreign

[1] In 1268 the Londoners obtained for themselves an exemption from battle-wager. See the charter dated 26th March, *Liber*, 203.

[2] "Habet electionem utrum se ponere velit super patriam utrum culpabilis sit de crimine ei imposito vel non, vel defendere se per corpus suum." Bracton, p. 137, 143, 146; Palgrave, *English Comm.* CLXXXVI. For the origin and history of the institution, see Pollock and Maitland, I 138, and II 598.

[3] Id. 150.

[4] See the subject fully discussed by Mr. Foss, *Judges*, II 160.

[5] Blaauw, 353; citing Lysons' *Cornwall*.

[6] So on the Gloucester estates, Ann. Tewkesbury, 146.

[7] See the directions for inquests by the royal escheators, A.D. 1259, Ann. Burton, 499; and those for the visitation of the manors of St. Paul's (1222–1290), where the old system will be seen in full force, Domesday of St. Paul's (Camden Society, 1857); also Paris, V 464.

Art. artistic taste, was not behindhand. Henry's reign saw the development of the lancet style of Gothic work, known popularly as Early English. The builders of the period have bequeathed to posterity examplars for all time. The labours of all subsequent generations will never eclipse the century's work to be seen at Westminster, Salisbury and Lincoln. Besides these we have of the period the magnificent west front of Peterborough Cathedral, unique in its design; the nave of Wells; at Worcester we have the choir, retro-choir, Lady-chapel and Eastern transepts; at Lichfield, the North and South transepts, chapter house and nave; at Hereford, the Lady-chapel and vaulting of the choir; at Rochester, the choir and aisles East of the great transept; at Norwich, the Lady-chapel; at Ely, the retro-choir and four bays of the choir; at Chester, the Lady-chapel (restored) and chapter house; at Durham, the "Nine Altars," or Eastern transept behind the choir; with the grand transepts of York Minster.[1]

In all branches of art the King took a warm interest. In addition to the work at Westminster Abbey, he built Beaulieu Abbey, founded by his father, and founded Netley Abbey, and Ravenston, Bucks.[2] Also the *Domus Conversorum* in Chancery Lane, for converted Jews. The Record Office now occupies the site. But a few years ago the chapel tower was still standing. Besides these works Henry provided Houses for Friars in several towns. We hear of paintings, sacred and profane, ordered for churches and chapels, and for the wainscots of the public and private apartments at Westminster, at the Tower, Windsor, Winchester and Woodstock.[3] High in favour at Court were the King's artists, Odo and his son Edward, men, who, like the Francias and Ghirlandajos of later days, were by turns goldsmiths, painters and architects.[4]

Literature. In letters, again, we have a distinct start made. With the century English may be said to re-appear as a literary tongue. About the year 1200 we have the "Liflade of St. Juliana";[5] a Dialogue about Virtues and Vices;[6] the Brut of Lazamon, already noticed,[7] and the Ormulum.[8] The writer of the last named, one Orm, an Augustinian canon, describes his work as a book of Homilies. It is in fact a collection of metrical translations or paraphrases from

[1] See Mr. King's *Handbooks to the Cathedrals of England* (J. Murray).

[2] *Monasticon*, V 695, VI 497.

[3] See the extracts from the Rolls given by Hudson Turner, *Domestic Architecture*, 182; J. Blaauw, 224.

[4] Blaauw, sup. It is interesting to note that oil is mentioned among the substances to be used in painting.

[5] Early English Text Society, No. 51.

[6] Id. No. 89.

[7] *Angevin Empire*, 512.

[8] R. Hall, 1878.

the Gospels, with commentaries, arranged as a thirteenth century Christian Year, a passage for every day.

> "This boc is nemmned (*named*) Ormulum
> Forthi that Orm itt wrohhte."

Somewhat later, perhaps, comes "Katherine of Alexandria"; [1] then about the year 1225 we have the 'The Owl and the Nightingale' (Ane Ule and one Nihtegale),[2] a dispute between the two birds as to the merits of their respective modes of life and styles of singing, both indulging in moral reflections, the one in the spirit of an Allegro and the other of a Penseroso. About the same date we have a recommencement of English prose in the "Ancren Riwle," or "*Regula Inclusarum*"; rules for holy living, addressed to three canonesses.[3] To the middle of the century is ascribed 'The Story of Genesis and Exodus,' [4] metrical renderings of the Mosaic Books. The claim of Henry's proclamation of 1258 to represent the spoken English of the time has been questioned; the document being regarded as a grammar-and-dictionary make-up, by French-speaking officials, imperfectly acquainted with the vernacular.[5] It will be noticed that all the cited works were more or less of a religious or didactic character. For profane literature Latin and French held the field, as may be seen by turning to Mr. Wright's very interesting collection of political and satirical ballads dealing with questions of the day,[6] where we find one English ballad to eighteen Latin or French, the whole, however, exhibiting a trilingual culture.

The Universities.

Again, it is in the reign of the Third Henry "that the English Universities begin to exercise a definite influence on the intellectual life of Englishmen." From being loose gatherings of teachers and scholars, they attain to corporate existence under Papal and Royal recognition, with the right of holding land, and making statutes binding on their members. "Within their respective towns they become the dominant authorities." This position was secured for Oxford, when, in 1244, as the sequel to a violent affray between scholars and Jews, Bishop Grosseteste obtained from Henry letters patent conferring on the Chancellor of the University exclusive jurisdiction over all suits and controversies concerning

[1] 1200–1225; Abbotsford Club, 1841.
[2] Percy Society, 1843; and F. H. Stratman, 1868.
[3] Camden Society, 1853.
[4] E. E. T. S. No. 7. The dates given are taken from Mr. Bradley's Introduction to his edition of Stratman's *Dictionary of Old English*.
[5] T. L. Kington-Oliphant, *Old and Middle English* (1878).
[6] Camden Society, 1839.

contracts or debts to which a clerk was a party.[1] This was a privilege which the clergy outside of the Universities, with all their efforts, never gained. The jurisdiction was extended by further grants to criminal cases, the Chancellor's rights in this sphere being finally settled in 1290, when Edward I allowed him full cognizance of all civil actions and contracts, and also of all trespasses to which a clerk was a party, except pleas of the death of a man, mayhem (maining), or suits concerning a freehold.[2]

At Cambridge the corresponding rights were not obtained so soon, but the final result was much the same as at Oxford. Jurisdiction in criminal cases were first allowed in 1268, while civil jurisdiction was finally granted in 1304.[3]

Collegiate System.

The tutorio-collegiate system, distinctive of the English Universities, becomes fully established. Every student must have his name entered on the matriculation Roll of a Master, whose lectures he must attend.[4] About the year 1260 John Balliol, who fought at Lewes, laid the foundations of the College that still bears his name, by providing funds for maintaining a certain number of scholars at a weekly allowance of eightpence a piece. The reader may remember that but lately we found a penny a day of the time (equal to threepence of our money) a sufficient pension for a person in a respectable position of life. However, we further hear of a better 'House' at Oxford 'where by the gift of the Bishop of Bath every scholar had a shilling a-week.'[5] It was not, however, till the year 1282 that Balliol's widow, Dervorguille[6] of Galloway, took steps for giving a permanent character to her husband's foundation. By that time, however, Walter of Merton, the Chancellor, had anticipated her. By deeds executed in 1262 and 1264 he conveyed lands for the maintenance of twenty scholars, to reside under one roof at Oxford, on a yearly allowance of forty shillings apiece.[7] Collegiate buildings on the present site must have been erected by 1269, when we hear of "*Crux marmorea in platea scolarium de Merton juxta ecclesiam suam S. Joh. Bapt.*"[8]

[1] *Epp. Grosseteste*, lviii.; Rot. Claus. 28 Henry III m. 12 b.; Maxwell Lyte, *History of Oxford*, 42; J. F. Willard, *Royal Authority and English Universities*, 15 (Philadelphia, 1902). All students were held clergy.

[2] Willard, sup. 16–19.

[3] Id. 22–24; Calendar Patent Roll, Ed. I vol. IV 317.

[4] *Munimenta Academica*, I 17; Anstey (Rolls Series, No. 50).

[5] Chron. Lanercost, 69; Melrose, 217. It would seem that Balliol's foundation was an act of penance, for some ecclesiastical offence, enjoined by Bishop Kirkham of Durham; Lanercost, sup. also Paris, *Chr. Maj.* V 528. The beneficial Bishop of Bath does not seem to have been identified. Was it William Button, Bishop 1248–1264?

[6] For the spelling, see Palgrave, *Documents Illustrating Scottish History*, I 30, an original document in French.

[7] Maxwell Lyte, 71–75.

[8] R. Claus. 83 H. III m. 10; Pauli.

"Præsul Walterus . . .

. . . . .

Dilexit clerum, gratis tribuens alimentum;
Pro quo Walterum benedicit turba studentum
Oxoniæ studium per eum quasi plantula vernat
Conferat auxilium sibi Rex qui cuncta gubernat." [1]

Theology and law, as the roads to promotion, were still the favourite studies. But the scope of academic reading was being extended. We have spoken of Grosseteste's translation from the Greek of a legendary Testament, held an achievement of national interest. John of Basingstoke, who had studied the language at Athens, rendered a greater service by compiling a Greek *Donatus*, i.e. a grammar on the lines of the Latin *Donatus*,[2] the latter being the parent of the Eton Latin Grammar, that held its ground to the second quarter of the nineteenth century.

The age was one of great men, and England gave birth to her full share of distinguished sons. Where within the same space of time, in our history, can we find a grander set of names than those of Stephen Langton, the Statesman-Archbishop; William Marshal, the great Regent; Hubert de Burgh, the great Justiciar; Richard Marshal, the Mirror of Chivalry; Michael Scott, the scholar, the Aristotelian; [3] Alex Hailes, the Franciscan, the Theologian "Doctor Irrefragabilis"; Edmund Rich[4] and Richard de la Wyche, the Sainted Prelates; Robert Grosseteste, the scholar and upright churchman; Adam Marsh (or des Marais ?), the 'Illustrious Doctor, perfect in all knowledge'; [5] Walter Cantilupe, the statesman and patriot; Roger Bacon, the philosopher and inventor, the greatest of Oxford's sons? His *Opus Majus* [6] alone is described as being "At once the Encyclopædia and *Novum Organum* of the thirteenth century." [7]

Men of the Age.

[1] Ann. Osney, 275, an epitaph on Walter who died Bishop of Rochester in 1277.

[2] M. Paris, V 284. Basingstoke, Archdeacon of Leicester, studied at Oxford and Paris; he was a friend of Grosseteste's and de Montfort's; and died in 1272. See *National Dictionary*.

[3] In 1227 Pope Gregory IX recommended Michael Scott to Langton; *Epp.* I 61; Pauli. Roger Bacon tells us that in 1230 Scott brought to England portions of Aristotle's works on Natural Philosophy and Mathematics, which had been translated by him and others from the Arabic. See the article in the *National Dictionary*.

[4] According to Roger Bacon Rich was the first man who read the Elements of Aristotle's Logic at Oxford; *Opus Tertium*, Preface Brewer, lv, note.

[5] So Roger Bacon.

[6] Ed. Jebb, 1733; the *Opus Tertium*, and *Opus Minus* will be found in the Rolls Series No. 15 edited by Prof. J. S. Brewer.

[7] Roger was the first man to raise the standard of resistance to uncertified authority. With a balance of judgment rarely seen even in later times "he holds his way evenly between the two poles of human knowledge," insisting on

If the age was great in its aspirations and ideas it was not over fastidious in the matter of domestic comfort. Straw and rushes still decked the floor of the King's own chamber.[1] In 1255 the young Archbishop of Toledo astonished the English by the extravagance of a carpet for the floor of his room at the Temple.[2] At the table rude plenty was as much as the highest could aim at. Slices of whale and porpoise were considered delacies. But the number of retainers in great houses was amazing. In Lent, 1265, the household of the Countess of Leicester consumed from 400 to 700 salt herrings a day. The gentlemen of the high table seemed to have an allowance of "a quarter of a tun (qy. barrel ?) of Gascon wine." The Countess and her few guests could indulge in fine wheaten bread (*panis de froille*) and wastel cakes; but the bread for the many was a coarse mixture of wheat and rye (*mystelon*) which is still in use under the name of maslin in the North of England.[3] Peas, beans, onions, radishes and a few herbs, with apples, pears, nuts, and cherries were the chief produce of our gardens.[4] Among the luxuries of foreign importation were dates, almonds, pepper, cinnamon, and sugar, the latter grown in Syria, and costing from one shilling to two shillings the pound, that is to say perhaps fifteen shillings to thirty shillings of our money. "Jacke," who hunted the Leicester harriers, had the liberal pay of 2*d.* a day, other servants receiving about 1½*d.* a day, thus showing an advance on the old 1*d.* a day. Lastly, we must notice, with regret, that the total charge for the expenses of the Countess's laundry for five months only amounted to one shilling and threepence.[5]

Domestic Life.

Garden Produce.

Wages.

For the financial history of the reign of Henry III our materials are, in some respects, fuller than any that we have had as yet; but still they must be pronounced very insufficient. We have a great increase in the grants obtained from Parliament, without any proper accounts of their yield. The sources of income that are accounted for, are not all passed through one Exchequer, and accounted for there. Considerable sums are passed through the Wardrobe, or subsidiary Ex-

Financial Survey.

the equal and concurrent authority of the Inductive and Deductive methods; on the necessity of combining mathematical reasoning with experimental research; Whewell, *Philosophy of the Inductive Sciences*, II 324, etc. Bacon's claim to be considered the inventor of gunpowder is strongly maintained by the latest writer on the history of explosives. See *Gunpowder and Ammunition*, etc., Col. H. W. L. Hime, Longmans, 1904.

[1] See extracts, Blaauw, 39.

[2] "Fecit tapeciis palliis et cortinis . . . etiam pavimentum aulæis adornare"; Paris, *Chr. Maj.* V 509, 513.

[3] Blaauw, 316.

[4] See Hudson Turner, *Domestic Architecture*, 132, etc.

[5] See Blaauw, 321.

chequer; while, most baffling circumstance of all, sums to an indefinite extent are paid away under the King's orders, by receivers of the Revenue, without being passed through any central accounts at all. These "direct" payments, which will be a constant source of trouble, begin to come to light in this reign, especially in connexion with the King's largesse to foreigners. The payments, of course, would figure in the special "enrolled" accounts of the receivers of the Revenue by whom they had been made; and we shall find that from these, when extant, and these alone, could an exhaustive account of the Revenue be given. In the actual state of the accounts of the reign, these payments could only be traced, if at all, by a hunt through the Patent Rolls, Close Rolls, Liberate Rolls, or other records where the orders for payment might be found, a task that we are not prepared to undertake.

Pipe Rolls.

For comprehensive accounts to hand, so far, we have had nothing but the Pipe Roll Series to go by. These simply give the yield of the original revenues of the Crown, namely, the issues of its landed possessions, and the manifold profits accruing from the original prerogatives of the Crown. Till other sources of income came in these accounts were probably pretty complete. When other revenues, not flowing from the royal prerogative, such as Parliamentary grants of carucages, or subsidies, collected not by the sheriffs, but by special commissioners, came in, the Pipe Rolls ceased to give the full revenue.

Pell Rolls.

With the reign of Henry III we get the benefit of the Pell double series, dealing both with receipts and expenditure. Expenditure did not come within the scope of the Pipe Rolls at all. Unfortunately the Pells are very defective. Only for seven years out of a reign of fifty-six years are they complete; and for the years of most financial interest they are totally wanting. The exact relation of the Pell Receipt Rolls to the Pipe Rolls has not yet been determined, but the former appear at first to have been little, if anything, more than a digest of the corresponding Pipe Rolls, with the matter re-arranged. In the first place, the year's accounts, instead of being included in one Roll, are given under two Rolls, "terminal" Rolls, one for Michaelmas term, and one for Easter term; then the entries are no longer arranged by counties, but in chronological order; while, lastly, the Pells give us daily, weekly, and terminal totals, a precious boon, the labour of adding up a bulky Pipe Roll being very considerable. But as already intimated neither Pipe nor Pells give the entire Revenue. Their figures must be supplemented by sums taken from other accounts, namely from another series, that also begins with this reign, namely the Wardrobe Accounts.[1]

Wardrobe accounts.

[1] These accounts at first were entered on blank spaces on the Pipe Rolls, and

The Wardrobe was the great spending department, through which not only all accounts relating to the King's household were passed, but also a variety of other accounts. Military expenditure, as we learn in Edward I's reign, was dealt with in special accounts, attached to the Wardrobe Series. The Wardrobe exchequer was supplied partly by sums transferred from the Treasury, partly by sums paid in directly from the country. Fortunately the Wardrobe Accounts are careful to distinguish between the drawings from the Treasury and the direct receipts. The sums drawn from the Treasury have already figured in the Pells, and therefore must not be included in our estimates of the Revenue ; but the direct receipts of the Wardrobe must be taken into consideration, as integral parts of the Revenue. Our Tables of the Wardrobe Accounts accordingly give only the direct receipts.

King's Wardrobe.

But the Queen also had a private Wardrobe of her own, fed partly by drawings from the Treasury and the King's Wardrobe, partly also by direct receipts. These are not very important, but as, presumably, if not assigned to the Queen, they would have gone to the King, they also should be taken into account. If there had been no direct payments these three, the Pells and the two Wardrobes, should give the full Revenue. But it is quite certain that they do not, and that an exhaustive account of the Revenue could only be obtained—if at all—by getting at the outpouring of each spring at the fountain-head, that is to say, the yield of each individual source of income as collected ; but for such an inquiry the materials so far do not exist. However, to make what we can of the central accounts, if the reader will turn to our Table I he will see Pell totals for seven years, with the total of one Pipe Roll prefixed. The seven years are the only ones of the reign for which the Pell Receipt Rolls are complete. As already mentioned, these Rolls give their own totals, the sums therefore on our Table are not open to doubt. To supply the total absence of Pell Rolls for the early years of the reign we have been at the pains to add up the Pipe Roll of the eleventh year, a good average year, free from special circumstances, being one of the years when Hubert de Burgh controlled the helm of the State, and the total will be found to harmonize with that of the Pells in average years. With regard to this point the reader will notice in the four last years of the Table (1256–1260) a sudden drop, from an average of £30,000 to one of £14,000 a year. The explanation is simple. In 1255 Henry assigned revenues to the amount of £10,000 a year to his son Edward for his establishment on his marriage—a signal case of a standing " direct " grant. The addition of £10,000 to the totals of these four years

Queen's Wardrobe.

so are cited from the Pipe Rolls on which they are found, but the connexion is purely accidental.

will bring them up to an average of £24,000 a year, just the amount of the Pells of the twenty-seventh year and of our Pipe Roll of the eleventh year. The larger sums shown by the twenty-sixth and thirty-eighth years are due to special receipts, to be noticed hereafter. But we have also to take in the two Wardrobe Accounts. Of these it will be seen that we have a much fuller supply than of the Pells; but, most unfortunately, there are but two years, namely, the forty-second (1257–1258) and forty-third (1258–1259) for which all the Rolls are forthcoming, and those two just years which, as we have seen, have to be supplemented; with the necessary addition of Edward's allowance, however, we get totals of £31,849 and £34,522, thus—

42nd year (1257–1258).		43rd year (1258–1259).	
Pell Receipts	£13,318	Pell Receipts	£16,021
King's Wardrobe . . .	7,800	King's Wardrobe . . .	7,800
Queen's do. . . .	731	Queen's do. . . .	731
Edward's allowance . . .	10,000	Edward's allowance . . .	10,000
	31,849		34,552

The latter of these figures is just what we found for John's reign. The receipts of the King's Wardrobe will be seen to vary very widely, namely, from £2,000 to £15,000 a year. The £7,800 of our forty-second and forty-third years is just a middling sum. If to the sum of our Pipe Roll of the eleventh year we should add the total of the nearest King's Wardrobe account, that of the eighth year (£5,200), we should have a total very similar to that of our forty-second and forty-third years, namely £29,441. If to the heavy total of the Pells of the twenty-sixth year (£38,606), we were to add the heavy Wardrobe total of the adjacent twenty-fifth year (£15,000), or even the medium £7,800 of the forty-second and forty-third years, we should get sums of £53,606 and £46,606. The abnormal total of the Pells of the twenty-sixth year (£38,606) was clearly due in part to the scutage, but still more to the money privately extorted from the clergy and others for the unfortunate expedition to Poitou; so again the extra amount of the thirty-eighth year (£29,553) was presumably connected with the expedition to Gascony. And this brings us to the point, that, apart from these two years (the twenty-sixth and the thirty-eighth), the figures on our Tables must be taken to represent ordinary receipts and ordinary expenditure only. Neither Parliamentary grants, nor funds raised for war expenditure, appear in the returns of the other six years.

The abnormal totals of the King's Wardrobe accounts of the twenty-second and twenty-third years (£8,622 each), and those of the twenty-fourth and twenty-fifth years (£15,000 each) were due to vacancies at Durham and Winchester, with one at Canterbury to follow. Several years' returns from Ireland also came in, all at once, during that time.

TABLE I

REVENUE OF HENRY III AS PAID INTO THE EXCHEQUER.

For the Pells see Mr. Whitwell's Tables, *Eng. Hist. Rev.* XVIII 710.

Regnal Year.	A.D.	£	s.	d.	
11	1226–1227	24,241	19	2	(Pipe Roll)
26	1241–1242	38,606	10	1¾	(Pell Receipt Rolls)
27	1242–1243	24,054	4	3½	,, ,, ,,
38	1253–1254	29,553	10	5	,, ,, ,,
41	1256–1257	12,973	12	7	,, ,, ,,
42	1257–1258	13,318	10	1½	,, ,, ,,
43	1258–1259	16,021	8	11½	,, ,, ,,
44	1259–1260	15,123	18	1	,, ,, ,,

TABLE II

REVENUE OF HENRY III AS PAID INTO THE KING'S WARDROBE.[1]

Regnal Year.	A.D.	Wardrobe Accounts.	Direct Receipts. £
8	1223–1224	say	5,200
18	1233–1234	,,	2,000
20	1235–1236	,,	3,000
22	1237–1238	one account, say	8,622
23	1238–1239		8,622
24	1239–1240	one account, say	15,000
25	1240–1241		15,000
29	1244–1245		4,464
30	1245–1246		4,464
31	1246–1247		4,464
32	1247–1248	one account	4,464
33	1248–1249		4,464
34	1249–1250		4,464
35	1250–1251		4,464
42	1257–1258		7,800
43	1258–1259	one account	7,800
44	1259–1260		7,800
45	1260–1261		8,000
46	1261–1262	one account	8,000
47	1262–1263		8,000
49	1264–1265		2,365
52	1267–1268		5,000
53	1268–1269		5,000
54	1269–1270	one account	5,000
55	1270–1271		5,000
56	1271–1272		5,000

[1] See the special catalogue at the Record Office of the "Enrolled Wardrobe and Foreign Accounts of Henry III," where the references to the original documents are given.

TABLE III

REVENUE PAID INTO QUEEN'S WARDROBE (WITH HER TOTAL EXPENDITURE).

Regnal Year.	A.D.	Direct Receipts.	£	Total Receipts.
24	1239–1240	one account	770	1,684
25	1240–1241		770	1,684
34	1249–1250		389	2,160
37	1252–1253		2,273	2,713
39	1254–1255		1,200	1,948
40	1255–1256		1,248	3,872
42	1257–1258		731	3,000
43	1258–1259		731	3,000
44	1259–1260		731	3,000
45	1260–1261	one account	731	3,000 [1]
46	1261–1262		731	3,000
47	1262–1263		731	3,000
48	1263–1264		731	3,000
49	1264–1265		1,150	3,500
50	1265–1266		1,150	3,500
51	1266–1267	one account	1,150	3,500 [2]
52	1267–1268		1,150	3,500
53	1268–1269		1,150	3,500

To pass from ordinary to extraordinary receipts, with the reign the grants obtained from the national assemblies assume a novel importance. Of Subsidies, leaving out a doubtful Thirteenth alleged to have been granted at the beginning of the reign,[3] Henry received between the years 1225 and 1226 a Fifteenth from the laity and the lay fees of the clergy, with a Sixteenth of the spiritualities of the clergy not assessed to the Fifteenth. In 1232 he had a Fortieth from the laity, and the lay possessions of the clergy; in 1235 he had an Aid for the marriage of his sister; while in 1237 he had a Thirtieth on the footing of the Fortieth of 1232. After that no lay subsidy was granted till the Twentieth of 1270. But the clergy in most years from 1253 onwards were compelled by Papal orders to contribute Tenths of their incomes. In 1252 or 1253 Tenths were granted for three years, for relief to Holy Land; in 1256 they were continued for five years, the Sicilian 'Crusade' being substituted

Parliamentary Grants.

Clerical Tenths.

[1] Over-spent in the time, £10,846; total due, £14,333.

[2] Again over-spent in the time, £7,795; total debt, £22,328. "Qui debent allocari ubi Domina Regina voluerit."

[3] So an allegation put into the mouth of the Barons by Paris, *Chron. Maj.* IV. 186. But in a later passage reviewing the grants of the reign the writer has no mention of this Thirteenth, p. 373. Bishop Stubbs suggests that it might have been granted in 1217 (*Const. Hist.* II 60). But why should this great tax have been passed unnoticed by the chroniclers at the time when the other grants of the year are recorded?

for Palestine as the object;[1] in 1266 again they were conceded for three years, the proceeds being applied to the liquidation of debts laid on the King by the Pope for his war against the Hohenstaufen, thus making eleven Tenths in all.[2]

Yield of Grants.

For the yield of none of these subsidies, clerical or lay, have we any official return. But entries on the Red Book of the Exchequer, a work compiled by men connected with the office, tell us what the lay assessments (*assizæ*) were understood to bring in.

	£	s.	d.
Fifteenth	57,838	13	6
Fortieth	16,745	0	0
Thirtieth	22,574	0	0[3]

Whether the sum attributed to the Fifteenth included the Sixteenth on spirituals may be doubted; but it must have included everything else. For the Twentieth on the basis of the Fortieth we might allow £30,000 or £32,000.

With respect to the yield of the Aid for the marriage of Isabel to the Emperor, we are in a position of great difficulty, from the fact that the tax was not merely levied in due course from the military tenants, on the footing of the number of Knights' fees at which they were assessed, but also from socage tenants, boroughs and clergy. What the legal yield of the Aid should have been we can fairly judge from the produce of a similar impost under Edward I, when we shall find an Aid of three marks (£2) bringing in little more than £3,000. Henry's Aid at two marks might, therefore, be fairly put at £2,000. But with the whole community put under contribution it might have reached £20,000. Still, as the dowry was not fully paid up for two years, it is not likely that it reached that sum; and so, at a venture, we will put it at £10,000. Taking then the grants of these early years, Fifteenth, Fortieth, Thirtieth and Aid, all together, we get an aggregate total, say, of £107,000 in round numbers. Spread over the fourteen years, during which these grants would be in course of collection, they represent an average contribution in round numbers of £7,600 a year; this, added to our ordinary Revenue, ranging from £29,000 to £34,000, would make up a grand total between £36,600 and £41,600, say £39,000 a year.

Early years.

Estimate.

The reader will bear in mind that this would be exclusive of the baffling direct grants made by the King, other than Edward's £10,000, which we have taken into account.

For the yield of the Clerical Tenths we must base our estimate on the official *Taxatio* made in 1291 by the orders of Pope Nicholas IV.

[1] Ann. Osney, 112, 115.

[2] See above under the respective years, and Stubbs, *C. H.* II 183.

[3] *Red Book of Exchequer*, III 1064.

Under that assessment the Canterbury Tenth came to £16,000, and the York Tenth to £4,000, or £20,000 in all.[1] But that census was understood to be taken on a decidedly stricter footing than that of the Norwich taxation of 1256, so that probably £15,000 would be enough to allow for the Tenths of Henry's time. Eleven of these would make £165,000; spread over the twenty years of collection they would supply an average contribution of, say, £8000 a year, thus again bringing the Revenue, or to speak more correctly, the taxation, up to something between £37,000 and £42,000 a year, say £39,500. That would be a middling average, but, as we have seen, individual years might come up to £50,000 and upwards; while others would sink far below it. Direct grants, again, would not be included, except Edward's £10,000. How much of those Tenths really went into Henry's pocket it would be hard to say. The bulk of it may be taken to have been applied to Papal purposes. But Henry and his son between them, doubtless, had the bulk of the Twentieth voted for the Disinherited in 1268, an extra £30,000 or £32,000, making a bumper year at the last.

Later years.

Final Estimate.

Finally, to sum up, we take it that Henry's ordinary revenue in round numbers might be put at £30,000 a year, more or less, rising to £40,000 with clerical or lay grants, and, possibly, in particular years, even to a total of £50,000.

Summary.

In connexion with ordinary receipts, it may be mentioned that the returns from the county and borough rents in the 27th year of the reign (1242–1243), only amounted to £7,693.[2] These at the first had been the principal items. The reader will see the productiveness of the miscellaneous items that could bring the revenue up to £30,000. Of the minor direct taxes, some of which the King could raise of his own authority, we have carucages in 1217, 1220, and 1224. The carucage—the old Danegeld—was a levy of 1*s.* or 2*s.* on the rated hide. A *Rotulus computorum*, 5–8 Henry III, gives the returns from the carucage of 1220 so far as £5,483 11*s.* 2*d.*

County Farm Rents.

Minor Imposts.

Carucages.

Of Aids we have the irregular contribution levied in 1235 for marrying the King's sister, already noticed, and the regular Aids *pur fille marier*, and for knighting the eldest son. The latter Aid, taken at the extra rate of £2, the knight's fee, evidently helps to swell the total of our 38th year.

Aids.

Of scutages, levied at varying rates from £1 to £2 the knight's fee, we can trace twelve, namely in 1217 (for the war against Louis), 1221 (siege of Bytham), 1223 (Montgomery),

Scutages.

[1] See Bishop Stubb's Addition of the *Taxatio*, *Const. Hist.* II 581.

[2] Pipe Roll, 27 H. III as added up by myself. But the totals on these Rolls too were subject to deductions for direct payments made by the sheriffs under orders from the King.

1224 (Bedford), 1225 (Gascony), 1229 (Kerry), 1230 (Brittany), 1231 (Poitou), 1242 (Gascony), 1246 (Gannock), 1253 (Gascony), 1257 (Wales).[1] The yield of all these imposts must be considered as required to make up our ordinary Revenue. Between 1260 and 1265 Henry profited by the bonus of £19,000 paid to him by Louis under the Treaty of Paris;[2] and in the latter year by the £13,333 6*s.* 8*d.* exacted from the Londoners. But whatever he might have received, Henry would always have been poor, because he was always alienating resources, in favour of the members of his family, foreign favourites, or magnates offering mercenary allegiance. In 1244 we have 4,000 marks promised to Raymond of Provence;[3] in 1245, 2,000 promised to John of Brittany;[4] in 1246 a pension of £1,000 a year is granted to Amadæus of Savoy, in return for homage, and the overlordship of Susa, the Fort de Bard, and Bourg-Saint-Maurice; the Count having tickled Henry's vanity with the idea that he was giving him the control of the best known Alpine passes.[5] At another time we find the King at his wits' end for £500, to buy the homage of the Vicomte de Turenne.[6] The Agénais rent of £800 a year, under the treaty of Paris, went in the first instance to John of Brittany, and when he was otherwise provided for, then to the Queen.

Extraordinary Receipts.

Improvident Grants.

The expenditure of the Queen's household has been shown above. For the King's daily spending we have one Household Account, that for the 44th year, October, 1259–1260, giving the daily outlays under the various heads of Kitchen, Butlery, Stables, etc., and the given amount is £7,499 8*s.* 5*d.*[7] From these accounts we learn that as a standing rule fifty poor persons had a dinner at the King's expense every day. The practice was adhered to abroad, as well as at home, the year being that of the King's second visit to Paris. For other years we get from the Wardrobe Accounts already cited, apparent totals of £4,416 (18th–19th years), of £4,600 (29th–35th years), of £8,000 (45th–49th years, 1261–1264); while the Account for the last five years of the reign shows an average expenditure of £5,460 a year, with £5,000 due to creditors. This was a better state of things than the Queen could show, as she, at the same time, owed £22,328.[8] But the King, who, in 1254, could allow £2,000 for the year's works at Westminster,[9] at the last had only £1,361 to contribute towards six years' building.[10]

Household Expenditure.

Queen's Debts.

[1] See above under the respective years, and Stubbs, *C. H.* II 60, 668.
[2] *Fœdera*, I 398, 412, 434. £14,500 more remained to be paid; above, 211
[3] *Fœdera*, I 254. [4] Id. 260.
[5] *Fœdera*, I 264. [6] *R. Letters*, II 242.
[7] Exchequer Accounts, Bundle 349, No. 27.
[8] Table III above, note. [9] Pell Issue Roll Easter, 38 H. III.
[10] Wardrobe Account, Pipe Roll, 56 H. III m. 1.

For the scale on which Royal entertainments might be conducted, we have an order issued by Henry, not long before his death, to the Sheriff of Somerset and Dorset to deliver 100 oxen to the Royal larder at Winchester, in time for the Christmas Feast, a Feast that the King did not live to keep.[1]

Miscellaneous Receipts.

For miscellaneous receipts, Ireland could remit £2,000 in a year ;[2] but on the Wardrobe Accounts, £1,200 or less was a more usual sum. For the Mints and Exchanges at London and Canterbury, the proceeds of the latter being shared by the Archbishop, the best return that we have is that for two years, 1247–1249, given as £5,077, or £2,538 10*s.* the year, ' nothing paid into the Treasury ' ;[3] so that we probably here have the full issues. All the other returns from the Wardrobe are less. In 1239–1241 for a year and seven months we have £3,092 returned as the whole, including the Archbishop's share.[4]

Mints.

Customs.

For the Custom's revenue, so hard as yet to trace, we have a statement in the *Liber de Antiquis Legibus* that in 1266 they were farmed by Edward to Italian merchants for 6,000 marks or £4,000 a year.[5] If the statement is correct, it would imply an immense advance on anything that we have hitherto discovered. But, on such a point, nothing short of Record evidence can really be trusted.

Vacant Sees.

The vacant Sees were a most substantial source of income, being no longer farmed out. On the Wardrobe Accounts for 1238–1240, above cited, we have £3,290 paid in from Winchester, and £5,284 from Durham ; and on the Wardrobe Account 1261–1264 £2,486 from Winchester ; and, alongside of it, a petty tallage of £354 16*s.* on the Jews.[6]

The Jews.

But, no doubt, the Israelites were often terribly fleeced ; and, as we have seen, they could be assigned as a definite source of Royal income. Three attitudes towards the Jewry are to be remarked on the part of different classes of the community. By the Crown they were regarded as domestic animals, to be milked and utilized ; by the common people and the Baronage, with de Montfort, Gloucester, and Edward at their head, they were regarded as wolves to be extirpated ; by the merchants who had commercial dealings with them, they were respected and protected. Henry was in the habit of borrowing, when and where he could, as from the Italian merchants, spoken of as "Caursini," from his brother, from the Jews, and so on. Entries of loans swell

Loans.

[1] 4 November, *Fœdera*, 496.
[2] *R. Letters*, II 309, A.D. 1266.
[3] Pipe Roll, 33 H. III. I have lost the note of the membrane.
[4] Wardrobe Account, Pipe Roll, 40 H. III m. 19.
[5] P. 109.
[6] Pipe Roll, 53 H. III m. 2.

the Wardrobe Accounts, as in the big returns for 1240–1241, where £5,000 borrowed in Gascony, comes in. But we may question whether the King's income profited by his borrowings; he never succeeded in imposing on the financial world, as his great-grandson did.

Rates of Interest.

The question of interest on the King's loans has been raised; cases have been adduced where the sum repaid was exactly the sum borrowed. The fact appears to be that in the bonds and mortgages of the time (and till quite recently), a day used to be appointed for repayment of the money, usually at the 'New' Temple, as it was called. Interest did not accrue till after the day fixed for repayment had passed. On the 10th March, 1232, Henry borrowed 1,200 marks from Florentine merchants, for his *Domus Conversorum* in Chancery Lane. The terms were that the money was to be repaid at Michaelmas; failing payment, interest or damages would run thenceforward at the rate of £10 per cent. per month.[1] So in 1266 we find Lucchese merchants claiming £388 7*s.* 5*d.* as interest on £1,500, "*pro superusagio de pecunia anni precedentis*," [2] 'for detention of the money after the stipulated term of repayment.' If the money had been repaid punctually, no interest would have been due. An advance on which interest ran from the first, passed as usury.

Throughout the reign the currency was maintained at the full standard, without any depreciation, the penny containing 12½ grains Troy of silver. In 1257 Henry took a fancy to issue gold coin, the first seen since the Conquest. The piece was to weigh two silver pennies (25 grains) and to be current at twenty pence, a ratio of one to ten, whereas hitherto gold had passed at the ratio of one to nine. Consequently nobody would take it at the price, and the whole issue had to be withdrawn.[3]

Currency.

In judging of the revenue and prices of Henry's time, we must bear in mind that the then £1, in mere bullion, was more than equal to £3 of our currency; a revenue of £40,000 would represent £120,000 of our time. The further question of the purchasing power of the £1 of Henry's time, as compared with our £1, is a very difficult one. Different multiples would have to be taken with

Purchasing Power.

[1] *Royal Letters*, I 403. See the thing fully explained in a letter to the Pope, with the very phrase 'solvere interesse'; Reg. Peckham, 17–20 (Rolls Series 77, C. T. Martin). 'Usury,' however, would seem to be the proper term for interest, "interesse" being damages or compensation; Pollock and Maitland.

[2] *R. Letters*, II 309. In 1248 the King forbad the Jews to exact more than forty-three per cent. on loans to scholars at Oxford; Sir H. C. Maxwell Lyte, *History of Oxford*, 44.

[3] *Liber*, 29, 30. The merchants alleged that gold was falling, "aurum de folio quod semper solebat valere decem marcas, nunc non valet nisi novem marcas vel octo." Only three of Henry's new pieces are known to exist; Akerman, 309.

reference to different commodities. Wheat might be considered a testing article. During the last ten years of Henry's reign wheat ruled from 4*s.* to 6*s.* the quarter.[1] Taking 5*s.* as the mean, and comparing that with our wheat, say, at 30*s.* the quarter, Henry's money would only have a purchasing power six times that of ours. But we have already been told that wheat was not the people's food, but that of the rich. But again a sheep could be bought for 1*s.* 2*d.*[2] It would be a poor beast if it would not be worth twenty shillings at the present day. In fact it would seem that in those days meat was cheaper than wheaten bread, the land being tilled with a cumbrous eight-ox plough, under a two-course or three-course fallow system requiring repeated ploughings.

Another way of exploring the matter of purchasing power would be to compare the wages of men in the same way of life at the two periods. We were told that the man who hunted the Countess of Leicester's hounds had 2*d.* a day, £3 a year. Without inviting comparison with the distinguished functionaries who manage the Quorn or Pytchley packs, we may safely say that no gamekeeper on a gentleman's estate would receive less than £60 a year at the present day. "Jacke" did well on one twentieth of that sum. On the whole fifteen-fold has been thought a probable general multiple for the reign. Yet again we must admit, that, if money went far in those days, it was because life was so simple; there were no varieties, no extras, no travelling. Food, clothing, housing and fuel were all that was looked for. More tangible and satisfactory is the fact that prices were rising steadily and continuously.[3] At the beginning of the century we found that an ox cost 3*s.*; sheep from 1½*d.* to 2*d.*; a pig could be bought for 1*s.*; able-bodied labourers had a penny a day; while miners rose to 3*d.* a day.[4] At the sale of Fawkes' effects in 1224 an ox fetched 4*s.*; a bull 2*s.*; a cow with her calf, 3*s.*; a ewe and her lamb, 6*d.*[5] Three years later we have oxen realizing from 7*s.* to 10*s.* each, and agricultural horses 5*s.* to 9*s.* each.[6] In the last years of the reign Mr. Rogers has a bull at 8*s.* 6*d.*, an ox at 14*s.*, sheep at 1*s.* 1*d.*, and 1*s.* 2*d.*, lambs from 4*d.* to 8*d.* a piece.[7]

Rise in Prices.

The corporation of the Merchants of the Steelyard dates from this reign. In 1194 Richard I had granted a charter to the men of Cologne [8]

[1] Rogers, *Prices*, I 226.
[2] Id. 342.
[3] So too Wykes, 278. "Omnimoda venalium genera incomparabiliter cariora."
[4] *Angevin Empire*, 506.
[5] Rotulus Computorum, 5–8 H. III.
[6] Pipe Roll, 11 H. III.
[7] *Prices*, I 342, 359.
[8] See *Angevin Empire*, 334.

Steelyard Corporation.

that gave them an advantageous position in the London markets. Hamburgh, Bremen and Brunswick long struggled in vain for equal recognition. When, however, Lubec declared for King Richard a charter was granted to its merchants ; [1] while three years later, at Richard's request, all the North German traders were incorporated as the ' Merchants of the German Guildhall in London.' [2] Their premises, occupying the site of the present Cannon Street Railway Station, became known as the Stahlof or Steelyard. The success of the combination suggested the later formation of the celebrated Hanseatic League.

By Eleanor (Aliénor) of Provence Henry had :—

King's Issue.

EDWARD, born 18th June, 1239.

Margaret, born 29th September, 1240,[3] married to Alexander III of Scotland at York, 26th December, 1251 ; [4] died 26th February, 1275,[5] leaving issue.

Beatrice, born at Bordeaux, 25th June,[6] 1242 ; married to John of Brittany, 22nd January, 1260 ; [7] died, leaving issue, 1272–3.

Edmund, " Crouchback," born 16th January, 1245 ; [8] created at different times, Earl of Leicester, Derby, and Lancaster ; married, first, Aveline de Fortz, daughter of William, Earl of Aumâle, 8th April, 1270 ; she died *s. p.* in 1274. Edmund married, secondly, Blanche of Artois, Queen Dowager of Navarre, and by her had three sons—Thomas, Henry, and John.[9] Edmund died in 1296,[10] Blanche in 1302.

Katherine, born 25th November, 1253 ; died, 3rd May, 1257.[11]

Sandford, *Genealogical History*, 92, names four other sons who died in infancy.

Queen Eleanor took the veil at Amesbury in July, 1236,[12] and died there on the 25th June, 1291.[13] For the vast estates held by her at her death, see Calendar Patent Roll, 14, Edward I, p. 218.

[1] 10 May, 1257. R. Pat. 41 H. III, m. 9 ; Pauli ; again in 1267, *Fœdera*, I 474.
[2] " Mercatores regni Alemanniæ in Guildhalla Teutonicorum Londoniis residentes " ; *Fœdera*, I 384.
[3] Paris, *Chr. Maj.* IV 48.
[4] Id. V 266.
[5] Hailes, *Annals*.
[6] Paris, *Chr. M.* IV 224.
[7] *R. Letters*, II 148.
[8] Paris, IV, 406.
[9] Doyle, *Official Baronage* ; Sandford, *Geneal. Hist.* 107 ; *Complete Peerage*.
[10] *G. E. C. Peerage*.
[11] Paris, V 415, 632.
[12] Flor. C. II 237 ; Wykes, 307, etc.
[13] Flor. C. II 245 ; Osney, 329 ; q.v. for Eleanor's " profession."

CHAPTER XVIII

EDWARD I. "LONGSHANKS"[1]

A.D. 1272–1278.

BORN 17 OR 18 JUNE 1239;[2] PROCLAIMED KING 20 NOVEMBER 1272;[3] CROWNED 19 AUGUST 1274; DIED 7 JULY 1307

Accession—Edward in Palestine—Journey homewards—Edward and Gregory X—Through Italy to Burgundy—"Little Battle of Chalons"—Homage to Philip III—Affairs in Gascony—Settlement with Flanders—Intermediate affairs at home—Return to England and Coronation—Grant of Customs on Wool and Leather—Statute of Westminster the First—Grant of Fifteenth—Breach with Llewelyn II, and first War with Wales.

"No prince ever came to the English throne better qualified to rule strongly and well than Edward I. He had benefited by early experience, by intercourse with great men, by much knowledge of the world outside of England, and the warnings and examples of his father's reign."[4] He had already shown that the statesmanship of de Montfort would be his. The character and antecedents of every man in public life were known to him. He could touch at any moment the secret springs that might be expected to influence their actions. Energetic, courageous and high-minded, he nevertheless betrayed a lawyer-like turn of mind. A certain legal captiousness, and "a disposition to take advantage of the letter of the law," may be taken as the chief flaws in Edward's character.[5]

Edward as King.

His reign, as already mentioned, virtually began at his father's death, and technically began on the day of his father's funeral, the regnal years being reckoned from the 20th November. The arrangements for the conduct of affairs during the King's absence on Crusade have

[1] *Pol. Songs*, 223 (Wright), written in 1306. "Langschankis," J. Fordun, 305.

[2] 18 June, Ann. Tewkesbury, Burton and Winton; 17 June, Ann. Wykes and Worcester; Paris, *Chr. Maj.* III 539.

[3] Above, 280.

[4] Stubbs, *Select Charters*, 417.

[5] For a hostile criticism of Edward's character as a young man see the *Carmen de Bello Lewensi*, written by a Reading monk, an admirer of de Montfort, 1264–1265. He taxes Edward with being arbitrary and faithless, pp. 14–16 (ed. Kingsford). But at that juncture, as we have seen, nobody kept faith.

been already given. Of operations in Palestine beyond the raids of 1271 nothing is recorded. In September an offer of assistance, for combined action against the Sultan, was received from the Tartar Khan Abaga; but nothing came of it.[1] In June, 1272, Edward nearly fell a victim to assassination. An emissary of one of the Sultan's Emirs,[2] who had been commissioned to open delusive negotiations, to which Edward had lent too ready an ear, having obtained a private audience of the Prince, attacked him with a dagger. Edward received the blow on his arm; then, closing with his assailant, wrested the weapon from him, and despatched him with it. In the struggle he received a further slight wound on the forehead. His Welsh harper was apparently the only attendant with him at the time.[3] It was feared that the dagger might be poisoned. According to an Italian writer of the time, the devoted Eleanor, at the risk of her life, sucked her husband's wounds.[4] The case at first looked serious, and Edward made his Will. But whether through his wife's heroism, or the skill of his medical attendants, or the soundness of his own constitution, Edward made a fair recovery.[5]

Satisfied that Europe had no reinforcements to send him, Edward concluded a ten years' truce with the Egyptian Sultan, Bibars Bendokdar, and sailed homewards. Two daughters had been born to him during his stay at Acre; one died, the other, Jeanne or Joan of Acre,[6] lived to grow up and marry. About the middle of August the last English Crusading force left the shores of Palestine, landing eventually at Trapani about seven weeks later.[7] After so much tossing on the seas, Edward readily availed himself of the hospitality of the Sicilian court. While there he heard of the deaths, first of his son John, who died in August, 1271,[8] and then of his father. On the latter occasion he exhibited an amount of feeling that excited the brutal surprise of Charles of Anjou, who wondered that a man could care

Return to Europe.

News of his Father's Death.

[1] 4 September, 1271; *Liber de Ant.* 143. The document was brought to London in March, 1272. For a letter from Edward to the Khan see *Fœdera*, I 520, 26 January, 1275.

[2] "Nuntius admiralis Joppensis"; Trevet, 277. "Misit eum amyrandus de Jaspes"; Hemingb. I 334. According to the Arab writer, Ebn Ferath, cited by Wilken, VII 603, the negotiations had been carried on by the Emir of Ramleh.

[3] Hemingb.

[4] So the *Hist. Eccles.* of Ptolemy of Lucca; Muratori, XI c. 1168. Ptolemy, a Dominican active in Italian affairs, was born *circa* 1236; became Bishop of Torcello in 1318 and died in 1327; D. König, *Tolemeo von Lucca*, 1878.

[5] 17 June, Wykes, 250, and Flor. Cont. II 210; 16 June, Hemingb. 335. Edward made his will on the 18th June; *Fœd.* I 495. See also *Liber*, 156; and Rishang. *Chron.* 69.

[6] *Liber*, 171.

[7] Hemingburgh, I 337.

[8] M. Westm. III 23.

more for his father than for a son. Edward answered that children multiplied quickly (and, in his case, so they did), and that the loss of a son might be repaired; not so that of a father.[1]

Under escort of Charles' son, the Prince of Salerno, Edward was taken to the Roman frontier.[2] On the 5th February he entered the Eternal City; on the 14th of the month he reached the Papal court at Orvieto; and was received with marked distinction, the Cardinals coming out to receive him.[3] Gregory X, who, as the Archdeacon Tebaldo Visconti, had accompanied Edward to Acre, had promptly written to welcome his fellow pilgrim home.[4] He might have compunctions on the score of his neglect of any measures against the perpetrators of the murder of Viterbo, and misgivings as to what Edward might have to say on the subject when they met. To propitiate him, he had already ordered the payment of two years' clerical Tenths in England, one year for Edward's benefit, the other for that of his brother Edmund, in both cases on the ground of their expenses on Crusade.[5]

Edward and the Pope.

Grant of Tenths.

But Edward was inflexible in his demands for justice; and, accordingly, within fourteen days of his arrival, effectual proceedings against Guy de Montfort and his father-in-law, the Red Count Aldobrandini, were at last begun, and prosecuted to the effect already mentioned. Simon de Montfort was already dead.[6]

Proceedings against the de Montforts.

Having seen his guilty cousin in a fair way of being properly punished, Edward moved on. Crusading sentiment was not yet dead, and, in his progress through Upper Italy, the Royal pilgrim was everywhere hailed as the Champion of the Cross. His journey was a triumphal procession. Padua was said to have enrolled him as an honorary student of her School of Law, while the Milanese pressed on him offerings of choice steeds, housed in scarlet.[7] On the 7th June he crossed the Mont Cenis; Count Philip, brother of the late Amadeus, was there to receive him, and took the opportunity of renewing the homage rendered to Henry III for the Fort de Bard in the valley of Aosta. The pension, however, had already been cut down from

Progress through Italy.

Edward in Savoy.

[1] Rishanger, 78; Trevet, 284. Both give the deceased son the name of Henry, but the real Henry lived till October, 1274; Hemingb. sup.

[2] Edward signs at "Caples" (Capua or Naples?), 19 January; *Liber*, 158.

[3] Wykes, 334; Rishanger, 78.

[4] 22 November, 1272; *Fœdera*, I 497.

[5] Ann. Winton, 115; Osney, 256; Flor. Cont. II 211; Dunst. 225–260. The grant was announced in London 14 February; *Liber*, 157.

[6] Rishang. 79; Flor. C., sup.; *Fœdera*, 499–502; 1 March–1 April, above, 275.

[7] Westm. III 30; *Fœdera*, 523; Pauli, II 7.

£1,000 a year to 200 marks (£133 6*s.* 8*d.*) a year.[1] A deputation of bishops and magnates from England had also come to hail their uncrowned King;[2] all was well at home, and there was no occasion to hurry back. On the 25th June Edward rested at a place given as Saint Georges-en-Viennois, and received the homage of William of Tournon on the Rhone.[3] On entering Burgundy the King received an invitation from the Count of Chalons to take part in a grand tournament about to be held. As a King and a Crusader Edward might have pleaded a twofold excuse; at home at this very time tournaments were being forbidden by his ministers.[4] But the King's honour was at stake, to say nothing of his own personal tastes. The heralds were directed to proclaim that the King of England and his men would hold the lists against all comers. On the appointed day a thousand men were said to have ranged themselves under Edward's banner—a very liberal estimate. The Count at the head of fifty knights charged the King and his band; coming from sword play to closer quarters the Count threw his arm round Edward's neck, endeavouring to drag him from his horse. But the long-shanked King kept his seat, and, spurring his horse, drew his adversary from his saddle, and then quietly let him down. After an interval to take breath the Count returned to the charge; but the contest was assuming a serious aspect. The footmen on either side were fighting in real earnest, and the English, having detected some of the peasantry in attempts at plundering, were slaughtering unarmed bystanders. The Count was glad to end the affair by surrendering himself to Edward, and acknowledging himself defeated. The tournament gained the name of "The Little Battle of Chalons."[5]

Edward in Burgundy.

A Tournament.

"Little Battle of Chalons."

On the 26th or 27th July Edward entered Paris,[6] and forthwith did homage to his Royal cousin, Philip III, 'for all the lands that he ought to hold of him,'[7] a formula that left the future quite open. The territorial cessions stipulated by the treaty of Paris had not been fully carried out. Edward, however, was

Edward in Paris.

[1] Wykes, 255; *Fœdera*, 504, 519.

[2] Trevet, 284; Rishanger, 79.

[3] ? Saint Georges d'Esperance ? Dept. Isère; *Fœdera*, 504.

[4] *Fœdera*, 503. See also the remonstrance addressed by Gregory to Edward; Id. 512.

[5] Trevet, 285; Rishang. sup.; as usual, one account. Westm. III 30, 31; Hemingb. I 338–340.

[6] 26 July; Wykes, sup.; 27 July, *Liber*, 159. M. Bémont, *Rôles Gascons*, III x, has it that Edward entered Paris on the 17th July, and left it on the 7th August; rather a long visit for Royalty.

[7] Westm. 31.

Homage to Philip IV.

moderate, and Philip conciliatory. The French King was prepared to cede the Agénais, as required,[1] and Edward repaid him £1,000 borrowed by Henry III from the late Louis.[2]

Edward then moved Southwards again, probably to join the Queen, who had been on a visit to her brother Alphonso X at Seville,[3] and was at Bordeaux, again expecting her confinement. The King, however, unexpectedly [4] found himself involved in two petty wars, one in support of the men of Limoges, against the Viscountess Marguerite,[5] the other against Gaston of Béarn, who, in spite of his connexion with the English Royal family—his daughter having been married to Henry of Allmaine—had taken advantage of Edward's absence to run riot in Gascony. The latter business proved a wearisome affair, and contributed to keeping the King abroad for another year. In September Gaston was run to earth and taken prisoner. Having been let out on parole not to leave the King's court, he at once absconded, retiring to the Pays de Soule in the Pyrenees.[6] From that stronghold he baffled Edward with counter-charges, and appeals to the suzerain court of the King of France. Edward, however, deemed it prudent to submit to these appeals, both as to the complaints of the Viscount of Béarn, and as to those of the Viscountess of Limoges.[7] But the King's patience in the end gained the day. In July 1275, after the King's return to England, by Philip's orders Gaston was brought over under the escort of the Earl of Gloucester,[8] and presented to Edward, who was then at Oxford, or rather at Beaumont Palace outside the city walls. The King, however, not being fully satisfied as to Gaston's attitude, after some detention, sent him back to France, to withdraw his appeals at the court of King Philip. To end the episode, Gaston went, and returned to England in January 1276, when again he presented himself to the King, namely at Winchester,[9] again to be put into custody, and detained till the 1st May, when he was sent back to Philip, to be punished for his transgressions, commissioners being appointed to take charge of his estates.[10] Edward, however, did not succeed in getting

Edward in Gascony.

Gaston of Béarn.

A Rebellious Vassal.

The Viscount Humbled.

[1] Lavisse, *France*, III 108. [2] Melun, 10 August, *Fœdera*, 505.

[3] Eleanor was leaving Seville 23 June; *Fœdera*, 503; Wykes, 255.

[4] Edward was ordering shipping to be got ready for his return on the 3rd July; *Fœdera*, 504.

[5] Lavisse, sup.; *Fœdera*, 507. [6] Annal. Lond. 84.

[7] See *Fœdera*, 505, 506, 511, 512, October 1273–May 1274; Wykes, sup.; Trevet, 291; Westm. III 32, 33; *Lettres de Rois*, Champ. I 167. Divers decrees were issued by the Parliaments of Paris on these questions; Lavisse, sup.

[8] Gervase, Cont. II 280.

[9] Wykes, 264; Winton, 120, and Edward's letter to Philip, *Fœdera*, I 547.

[10] Winton, 120; Wykes, 267, 269; and Edward's letter to Philip, *Fœdera*, I 547.

the land into his hands. On the other hand, Gaston had had his lesson, and was content to remain thenceforth the dutiful vassal of the King of England.

Edward's stay in the South was utilized for negotiating marriages for two of his infant children. His 'eldest' daughter, that is to say whichever of them might first attain to maturity, was engaged to the heir of Arragon; while the King's surviving son Henry, born about 1268, was affianced to Jeanne, daughter of King Henry of Navarre, Count of Champagne.[1] This union would have made the King's son the most powerful baron in France, lord of Brie and Champagne and King of Navarre. But neither marriage took place; the Arragonese match was dropped, and little Henry himself died within a few months.

The winter over, Edward had intended to return home for his Coronation, already so long deferred. But a courteous deference to a Papal request led him still further to delay the ceremony.

Council of Lyons.

Gregory had summoned a general Council to meet at Lyons on the 1st of May[2] (1274). He pressed Edward, if possible, to attend in person, but at all events not to allow the time of his Coronation to clash with that of the Council;[3] the attendance of the English Episcopate would be required on either occasion. Edward put off his journey to England, but did not appear at the Council. The Fathers had actually been convened to agitate for a fresh Crusade, a main object being to check the growing power of Charles of Anjou, who was generally credited with harbouring designs upon Constantinople. Edward did not wish to quarrel with Charles, and he had realized that the days of Crusades were past.[4] At all events he had done his share, and could not be called upon for any further effort. The sittings of the Council lasted till the 17th July. In vain the Greeks promised reunion with the Western Church; in vain Mongolian envoys offered themselves for Baptism. Not a lance would stir for the cause. But the clergy of the whole Western Church were forced to consent to the payment of Crusade Tenths for six successive years.[5]

The Council having come to an end, Edward made for the Channel. But, before embarking, he was happily able to settle the dispute with

[1] Brother of Theobald IV, who died in 1270, on Crusade, *Fœdera*, 506, 508.

[2] *Fœdera*, I 503.

[3] Ib. 508. For preparations for the Coronation, 509, February.

[4] For the opposition of the English clergy to a fresh Crusade, see Hemingburgh, II 3.

[5] For the letter of Palœologus and the Greek Bishops to the Council, see Westm. III 33–42. See also Wykes, 257; Trevet, 286; and a letter of Edward to Abaga Khan, *Fœd.* 520. "Michael Palœologus stooped so low because he trembled for a throne now visibly threatened by Charles of Anjou," Kitchen. See Gibbon, chap. 62, and Milman, b. XI, chap. 4.

Settlement with Flanders.

Flanders caused by the preposterous demands and arbitrary action of the aged Countess Margaret. Edward adhered to his father's policy, not only forbidding all commercial intercourse with the Countess' subjects, but enforcing the prohibition, by instructing the men of the Cinque Ports to seize all vessels carrying wool to Flanders, an injunction promptly acted on.[1] The Flemish looms being thus reduced to idleness, the Countess had to submit. Her son Guy[2] acting Count in her name, had been on Crusade at the time of the rupture, and so was not responsible for it. At his request Edward agreed to meet him at Montreuil, in Ponthieu, on the 28th July, when peace was made, and freedom of commerce restored on the following terms. The Count to make good the value of all English goods arrested by his mother or her subjects; the King, recognizing that Guy was abroad, and not responsible for what had happened, graciously concedes that the value of Flemish goods arrested in England shall be set off against the claims of the English merchants, the Count making good the deficiency, if any; should the goods arrested in England exceed in value the claims of the English merchants, the surplus to be handed over to the Flemish merchants. What further compensation would be made to the latter, if this surplus should be insufficient to meet their losses, does not appear. All claim to the pension was also dropped.[3]

Return to England.

On the 2nd August Edward landed at Dover, after an absence of four years. Not wishing to enter London till all was ready for his coronation, he accepted invitations to tide over the interval, partly with the Earl of Gloucester at Tonbridge, and partly with John of Warenne, the Earl of Surrey, at Reigate.[4]

Affairs at Home.

During the two years that had elapsed since the late King's death, order had been maintained by the good management of the Chancellor, Walter of Merton, acting under the supervision of the Regency Committee, consisting of the Archbishop of York, Roger Mortimer and Robert Burnel. Their authority had been ratified by the January Parliament of 1273, to which four

Popular Representatives in Parliament.

Knights from each Shire, and four Burgesses from each Borough, were summoned to give their attendance. As a popular measure the judicial Eyres were suspended till the King's return.[5] The wholesale amerciaments that the judges

[1] 8 September, 1273–10 April, 1274; *Fœdera*, I 510; *Liber*, 159, 161; Calendar Pat. R. 1 Ed. 12, 48.

[2] Son of Margaret by her second husband, William of Dampierre, whose issue was preferred before that of her first husband, Bouchard of Avesnes.

[3] *Fœdera*, 513, 514. In June the Mayor and three leading citizens had been called to meet the King in Paris, doubtless on this matter, *Liber*, 167, 171.

[4] *Fœdera*, 514; Westm. III. 43; Record Office Itinerary (MS.).

[5] Ann. Wint. 113; Worcester, 462.

could impose on districts for supposed miscarriages of justice caused their visitations to be regarded with the utmost dread. The clerical Tenths granted by the Pope to the King, added to the ordinary revenue, would supply the Government with ample funds. We are told that Master Raymond, the Papal agent charged with the collection of the Tenths, retained no inconsiderable portion of the proceeds for the disposition of the Holy Father.[1]

Clerical Tenths.

After a vacancy of three years and seven months the throne of Canterbury had again been filled. Gregory X, finally rejecting Adam of Chillenden, the nominee of the monks, 'provided' Robert of Kilwardby, Provincial of the Dominicans or Friars Preachers, an Oxford man, of holy life, a theologian, and a scholar, altogether an excellent appointment.[2] On the 26th February he was consecrated at Canterbury, and finally enthroned on the 17th September.[3] The first public act of his pontificate was to call on eight of his suffragans to assist in full canonicals at a solemn function in Westminster Hall, in which disturbers of the peace were denounced in the same awful form as the infringers of de Montfort's Provisions of Westminster had been condemned by his predecessor, Boniface, fourteen years before.[4] The Archbishop's action must be connected with a sudden outbreak in the North, a last effort of Robert of Ferrars, who, encouraged by the King's protracted absence in Gascony, had seized Chartley Castle in Staffordshire. The rising, however, was promptly suppressed, and the castle recovered by the Earls of Cornwall and Lincoln, Roger Mortimer and others.[5]

Robert of Kilwardby, Archbishop of Canterbury.

The Disinherited in the North.

The only real cloud hung over the Western horizon, where the attitude of Llewelyn II was ominous. The treaty of 1267 had given him more than he had any right to demand or expect. The avoidance of any action that might give the English an excuse for reopening that compact should have been a primary aim of his policy. Instead of that he had shown himself persistently defiant and aggressive. In the winter 1271–1272, he had attacked the Earl of Gloucester, laying siege to Caerphilly, thus fully justifying Gilbert's objections to going on Crusade.[6] When summoned to render homage to Edward in the person of his officers, on the frontier, at the Ford of Montgomery, he had neither conde-

Wales.

Llewelyn II.

[1] "Ad dispositionem Papæ partem maximam congregavit," Westm. III 32.
[2] Ann. Winton. 112; Wykes, 253; Rishanger, 71. See Hook, *Archbishops*, III 304.
[3] *Reg. Sacrum*; Wykes, 256.
[4] 14 October, *Liber*, 42, 161.
[5] Westm. III 31, 32; Calendar Pat. R. II Ed. I, p. 53.
[6] *Northern Registers*, 41 (Raine); *R. Letters*, II 342.

scended to appear, nor to send any excuse for not appearing. Of course the money payments due were not forthcoming either.[1] In 1273 he was building a fort in objectionable proximity to Montgomery; and, finally, he found himself unable to give a definite answer when invited to attend the coronation.[2] In refusing homage Llewelyn was breaking away from the policy of his grandfather, who, while endeavouring to extend his rule within Welsh limits, never affected to reign otherwise than as a vassal prince.[3] His wars were not ostensibly directed against the King of England at all, but against fellow vassals of the King of England, among whom the King's son would be included.

All being ready, the King entered London in state on the 18th of August, and met with a most jubilant reception. Preparations for the coronation had long been in progress. It was said that the King would entertain all comers at Westminster for fifteen days. To provide for the wants of these numerous guests, all the available space within the precincts of the Palace had been covered with booths and kitchens. The supplies ordered included four hundred and forty head of cattle, four hundred and fifty sheep, four hundred and thirty hogs, eighteen wild boars, and two thousand three hundred and forty fowls. The Palace had been repaired throughout, and both the Great and the Little Halls had been whitewashed and decorated.[4] On Sunday, 19th of August, Edward and Eleanor were duly hallowed and crowned at Westminster. Archbishop Kilwardby officiated with all his suffragans; Walter Giffard of York had to attend the proceedings as a mere spectator. It was the old story. He could not be allowed to carry his cross within the Province of Canterbury, and he would not appear officially without it. No particulars of the rites have been preserved. Doubtless they conformed to well-established precedent. Alexander III of Scotland and John of Brittany were present, with their respective wives, Margaret and Beatrice, the King's sisters.[5] Everything went off well. The Conduit in Cheapside ran red and white wine all day.[6] At the banquet in the evening, the King and Queen at the high table glittered in their robes of state. On the morrow, the usual homage was ren-

Coronation.

[1] November, 1272; *Fœdera*, I 498, 499.

[2] Id. 504, 505.

[3] Rhys and Brynmor-Jones, 332.

[4] *Fœdera*, I 509; *Liber de Ant.* 172.

[5] *Fœdera*, I 514; Wykes, 259, 260; West. III 44. Both Margaret and Beatrice died next year.

[6] "Le conduit en Chepe ala tot le jour de vin vermaile et vin blaunk à boire à que volait." French Chronicle of London, 13. The conduit in Cheapside was a castellated structure at the east end near the Poultry, supplied with water brought in pipes from Paddington. The work was begun in 1235. Blaauw, 226.

Homage by Alexander III of Scotland.

dered by the great feudatories, among others by Alexander of Scotland.[1] The formula of his homage has not been preserved, but it appears that it was expressly restricted to the English estates.[2]

Edward came home from Palestine covered with glory, but considerably involved in debt, having had to borrow large sums from Italian merchants for his expenses, and these embarrassments "had a perceptible influence on the colour of his whole reign."[3] At any rate he lost little time in disclosing to his subjects the policy that would characterize his government. It would be outside the four seas, pacific, within their bounds a policy of cultivating the revenue, and asserting by all legal means and to the utmost extent the rights and pretensions of the Crown. His ulterior aims might not be fully disclosed at once. But the intention of strengthening his domestic authority, by curtailing the influence of the greater Barons, still entrenched within their private franchises, was promptly announced. These 'liberties' had been vigorously attacked by Henry II, and recently cut into by the Provisions of Westminster and the Statutes of Marlborough. But much yet remained to be done. Where the maxims of the existing law might fail to carry the King to the desired lengths, recourse would be had to legislation. In short, an era of strong government and heavy taxation was clearly foreshadowed. As to the King's action it cannot be doubted that the late reign had been eminently favourable to encroachments on Crown rights; and that the course of events had abundantly shown the expediency of still further curbing the power of the territorial magnates.

Prospective Policy of the Reign.

Strong Government and Heavy Taxation.

Towards the carrying out of a course of action certain to provoke the strongest opposition from powerful interests the co-operation of trusty and devoted ministers would be the first requisite. Walter of Merton had thoroughly earned the King's thanks for his services as Chancellor.[4] But Edward had a man more entirely to his mind in Robert Burnel, who had been his clerk or secretary, at any rate since the year 1265. On the 21st September he received the Great Seal, Walter being compensated by appointment to the See of Rochester,

Ministerial Changes.

Robert Burnel, Chancellor.

[1] Trevet, 292. For his expenses during his stay in England Alexander received £5 a day, £175 in all; *Fœdera*, I 520.

[2] So Wykes, 277; and the letter of Boniface VIII to Edward, *Fœdera*, I 907.

[3] Stubbs, *Annals of Lond.* c. A statement of accounts of the 20th January, 1276, showed £13,333 6*s.* 8*d.* still due to Orlandino del Poggio and Luca Natali of Lucca out of £41,206 6*s.* advanced by them to Edward abroad. Calendar Pat. R. 161, 318.

[4] *Fœdera*, I 505.

which had fallen vacant.[1] With the same view, doubtless, sweeping changes were made in the sheriffdoms. Between October and December nineteen sheriffs in charge of twenty-six counties were removed, fresh men being appointed in their places.[2]

The Sheriffs.

The next step towards the legal proceedings contemplated by the King would be to procure official returns of the Crown possessions, with notes as to all actual or presumable cases of encroachment on Crown property or Crown rights. On the 11th October commissioners were appointed to hold inquests on oath throughout the Kingdom, county by county. They were directed to enquire what lands the King actually had in hand, and what other lands former Kings had had; and, with regard to the latter, they were to ascertain who had them now, and since when, and by what title (*quo warranto*). So as to lands formerly held of the King *in capite*, but now in the hands of mesne tenants; so as to lands formerly held in chivalry, but now held by, or under, religious corporations. With respect to these last two heads of enquiry, we may point out that alienation by tenants *in capite* without Royal licence was a practice that Edward intended to suppress;[3] while lands were sometimes conveyed to religious Houses to be taken back and held under them, to escape the burdens that otherwise would attach to them. With respect to the private franchises or 'liberties' the directions are minute and stringent. The commissioners must report what Hundreds, Wapentakes or Trythings (Ridings) are not in the King's hand, and by what warrant; so as to all claims to suit of court, pleas *de vetito namio*,[4] return of writs, or other 'liberties impeding the common course of justice'; so as to all claims to wreck of the sea, free chases, free warrens, purprestures or encroachments, of any sort, on Royal property or Royal rights.[5] The commission must have thrown the whole landed interest of England into a perfect ferment, but the inquests were duly held, and their results eventually embodied in the well-known Hundred Rolls.

Commission of Enquiry as to Crown Rights.

The Private Franchises.

On the 22nd April, 1275,[6] being the second Monday after Easter, Edward opened his first 'general' Parliament at Westminster. The

[1] Foss, *Judges*, II 65; *Registrum Sacrum*. Walter was consecrated on the 21st October.

[2] *List of Sheriffs* (Record Office). The Dunstable writer notices the fact, p. 263.

[3] Pollock and Maitland, I 336.

[4] Refusal to surrender distrained goods on tender of proper security, refusal to allow the goods to be replevied. See Pollock and Maitland, II 577.

[5] *Fœdera*, I 517.

[6] *Parliamentary Writs*, I 1.

Parliament at Westminster.

term 'general' is used to distinguish the assembly from the meetings of the King's ordinary Council, which are also spoken of as 'parliaments,' the word not having yet acquired its later technical force, but being applied to meetings and conferences of any kind. To this Parliament are to be referred two very important acts, the passing of the Statute of Westminster the First, and the grant of the customs on wool, woolfells and leather.

Grant of Duties on Wool and Leather.

These are said to have been granted, not only by the prelates and magnates, but also by the commonalty of the realm (*communitates*), and 'at the instance of the merchants.' From the reference to the *communitates* it may be inferred that representatives of the commons were present, though there is no other evidence to that effect. The special summons of the merchants is interesting, as showing that an export duty on an article of home production was supposed to be, not a matter affecting the interests of the growers, but only those of the dealers in the article, a point on which English Parliaments long remained in the dark.

The duties granted were 6*s.* 8*d.* on the sack of wool and 300 woolfells, and 13*s.* 4*d.* on the last of leather [1] sent out of the Kingdom.

Earlier Customs.

With these customs, known hereafter as the *Antiqua* or *Magna Custuma*, we get a definite starting-point for a history of this branch of the Revenue. Import duties must have existed from the beginning of time. We have heard of imposts of 10 per cent. and $7\frac{1}{2}$ per cent. on divers articles; of a primeval duty of 4*d.* or 8*d.* on the tun of wine; of the King's Prisage of wines, or the right of taking one or two tuns (*tonnels*) of wine, according to the size of the ship, at a fixed rate well below the market value; the wine being resold for the King's benefit at market value.[2] But the notices were too scattered to enable us to give any connected view of the whole, or to estimate how much reached the King's Exchequer, and how much was intercepted locally. As we have seen, Edward's eye had long before been turned to the Customs, as a source of revenue that ought to be turned to better account. He had obtained from his father the control of all the Customs, and according to the *Liber de Antiquis Legibus* had farmed them out for £4,000 a year.[3]

Statute of Westminster the First.

The Statute of Westminster the First is expressed to be enacted by the King "*par son Conseil et par le assentiment des Erceveſques, Eveſques*, etc." It has been suggested

[1] *Parliamentary Writs*, I 2; *Select Charters*, 441. Peak wool, an average sort, fetched £6 the sack at this time; Dunstable, 265. The sack of wool contained 26 stone of 14 lbs. The collection of the tax was entrusted to Italian merchants, the King's creditors; *Parly. Writs*, I 381; Calend. Pat. R. *passim*. For tolls in the Port of London under Æthelred II, see *Foundations*, I 379.

[2] See *Angevin Empire*, 505; Madox, I 764, etc.

[3] P. 109.

that the deviation from the proper "consilio et consensu" was intentional, and that under the substitution of *concilium* for *consilium* lurked a suggestion of the principle that the King could enact of his own authority.[1] The appearance of French as an official language to compete with Latin is also noteworthy; the English tongue was still of no account in court circles.

In itself the Act "is almost a code." In fifty-one clauses it traverses "the whole field of legislation."[2] Nine clauses are aimed against acts of venality and oppression on the part of judges, sheriffs, and their subordinates. Thirteen deal with points of procedure in suits relating to real property. The 36th section fixes the 'Aids' to be taken by a lord for knighting his eldest son, or marrying his eldest daughter. The amount is fixed at 20 shillings for the Knight's fee, and the same sum for £20 ('*liveres*') of socage land; the Aids not to be taken till the son has reached fifteen years, or the daughter seven years of age. The 5th clause declares that elections must be free, and not disturbed by force of arms, or menaces. The 4th clause provides that no boat or ship shall be held wreck of the sea if a man, a dog, or a cat escape quick out of the same. But the 1st clause is perhaps the most interesting as an illustration of the life of the times. It provides that 'no man do come to eat or lodge in any House of Religion, of the advowson of any man other than himself, unless he be bidden of the governor of the House, before his coming thither'; and that 'no man do course in any park, or fish in any pond of any Religious Person against the will of the lord'; and that 'no man do take corn nor any manner of victual nor other goods of any man of Religion, without his leave.' In return, in the 2nd section, the King insists that clerks convicted of felony, and delivered to the ordinary, shall not be set free without some purgation.[3]

These two sections exhibit one aspect of the mediæval church clearly enough: an isolated class; wealthy but defenceless; a prey to every robber; yet refusing to be bound by the law on which they depend for daily protection.

With respect to criminal clerks the course of procedure here indicated appears to be the converse of that for which Henry II contended in his Constitutions of Clarendon. There the clerk convicted by the ecclesiastical court, after degradation, was to be handed over for punishment to the lay authority. Here we seem to find the clerk

[1] *Select Charters*, 439.

[2] Stubbs, *Const. Hist.* II 113. So, too, the Act is hailed by Wykes, 263. "Rex cupiens, ut decuit, populo complacere, . . . nova quædam statuta, non solum juri consona, verum etiam toti regno pernecessaria compilavit."

[3] Statutes, I 26–39. 25 April.

condemned by the lay court being handed over for punishment to the spiritual authority.

The duties on wool and leather had been secured; but a more general contribution from the community was needed to meet the King's actual and prospective needs. On the 13th October another Parliament was convened at Westminster, to which Knights of the Shire were summoned; the assembly therefore is properly held one of the landmarks in the history of representation.[1] A Fifteenth of movables was voted, on the precedent of the year 1225; the higher clergy contributing. Edward pressed for a contribution from the lower clergy also, but the Bishops asked to be allowed to consider the matter along with their subordinates, pleading the Tenths that they had already given to the King, and the Papal Tenths imposed in the Council of Lyons.[2] The Parliament also distinguished itself by making a beginning of usury legislation, and anti-Jewish legislation, a prelude to further persecution to follow. The Jews were forbidden to lend money at interest, their staple calling, and required to pay a poll tax; while the old rule requiring them to wear badges, viz. yellow strips of felt three inches wide and six long, on their garments, was renewed.[3] As money-lending was practically the only calling open to the Jews, the prohibition of it, if enforced, would involve their eventual retirement from the country.

Parliament at Westminster.

A Fifteenth Granted.

The Jews.

By the end of the year 1275 the breach with Llewelyn was pretty complete. The Prince, having failed to attend the coronation, received a summons to meet the King at Shrewsbury within a month.[4] He demanded hostages. But Edward suddenly found himself incapacitated by the outbreak of an abscess (*apostema*), a recrudescence of one of his wounds, and adjourned the meeting; at the same time he ordered Llewelyn to pay up £4,000 due under the treaty.[5] In June, 1275, Edward writes to the sheriff of Shropshire to be on his guard, and not allow himself to be drawn into any trap by Llewelyn; the Prince has been ordered to render homage at Chester; no concessions may be made to him, until he has made

Growing Breach with Llewelyn.

[1] See the writ dated 1 September, Stubbs, *C. H.* II 235.

[2] Wykes, 265, 266; Osney, 265; Gervase, Cont. II 281; *Rot. Parl.* I 224. For actual contributions see Dunst. 266, 268; and the letter of the King to Archbishop Kilwardby promising that the grant should not be held a precedent; *Parly. Writs*, I 5.

[3] Statutes, I 221; *Fœdera*, 543, 570; Waverley, 385, and the other chronicles above; Madox, *Hist. Ex.* I 248. See also the writ issued by Edward, *Fœdera*, 539, from which it appears that usury was already forbidden to Christians, and that men sometimes apostatized to Judaism to be free to deal in money. Edward was said to rest his action on the Mosaic ordinances; Wykes, 266.

[4] 3 November, 1274; *Fœdera*, I 518.

[5] Id. 519; Wykes, 60.

Homage Refused.

satisfaction for his transgressions.[1] The King having gone to Chester to no purpose, Llewelyn received a peremptory summons to attend at Westminster, within three weeks after Michaelmas. He had the effrontery to demand as hostages the King's infant son, Alphonso, born in Gascony in 1273, the Chancellor, Robert Burnel, now Bishop of Bath,[2] and the Earl of Gloucester. At the same time he was appealing to the Pope, taxing Edward with harbouring rebels, and insisting that he could not with safety have presented himself at any of the appointed places.[3] But the place of meeting named in the first instance was the Ford of Montgomery, on the actual frontier, while no valid objection could be taken to either Shrewsbury or Chester, as Edward offered safe conducts.

With respect to the charge of harbouring rebels, the allegation in itself was correct. Llewelyn had a troublesome younger brother,

Llewelyn and his Brothers.

David, who was at large, besides two others in prison;[4] he had also a thorn in the flesh in the person of the lord of Powys, Gruffudd, son of Gwenwynwyn. The interests of both David and Gruffudd were safeguarded by the treaty of 1267. But Llewelyn, rightly or wrongly, had found justification in an alleged conspiracy for getting rid of both.[5] It was in view of the imminence of hostilities that the Fifteenth had been granted in October.

An ill-advised marriage on Llewelyn's part now came in still further to provoke a rupture. He had never dropped his relations with his

Llewelyn and the de Montforts.

old allies, the de Montforts, doubly obnoxious since the murder of Viterbo. The great Earl had promised him his only daughter, Eleanor, in marriage. Prudence might have suggested to the Prince the expediency of dropping an alliance, so certain to be offensive to the King. Llewelyn, however, clung to the match. Early in 1276 the lady sailed from France for Wales, under the charge of her brother Amauri, a priest, two Welsh friars, and some French knights. Off the Scilly Islands the party was intercepted by Bristol cruisers, brought into port, and delivered to the King, who at once sent Eleanor to Windsor, and Amauri to Corfe, dismissing the other captives in peace.[6]

The name de Montfort might still seem a charm to work with, and

[1] *Fœdera*, I 526; 27 June, 1275.
[2] Consecrated 7 April, 1275; *Reg. Sacr.*
[3] *Fœdera*, 528, 535; Trevet, 292; Westm. III 45.
[4] Trevet, 298.
[5] See Llewelyn's story given by the *Brut*, 361, and the letter of the Dean and Chapter of Bangor; *Fœdera*, 532. The Ann. Camb. evidently thought Gruffudd wrongfully expelled; p. 104.
[6] Wykes, 267; Winton. 121; Trevet, 294; B. Cotton, 153.

an alliance with that family would suggest possible relations with other members of the old Baronial party. In a Parliament held at Westminster, early in May, Edward announced some final concessions towards the Disinherited, and confirmed Magna Carta and the Forest Charter. The grant of the Fifteenth made in the previous year was also confirmed, the second moiety having become exigible; while the King agreed to exempt all persons not assessed at 15 shillings.[1] Llewelyn, as a matter of grace, had been again summoned. He did not appear, but he sent offers of peace, on condition of receiving his intended wife, for whom he was prepared to pay liberally in money. Edward rejected his proposals with scorn, and would have declared war at once, but was induced by the Bishops to allow them to try what they could do in the way of mediation. Their efforts came to nothing.[2]

Parliament at Westminster.

A last citation was then issued, requiring Llewelyn to attend a session of Parliament to be held at Westminster in October. He had no means of offering any serious resistance to England, but the only concession to which he would stoop was an offer to meet the King at Montgomery, or Oswestry, to render homage, on condition always of the surrender of his affianced wife, and under a safe-conduct, to be personally guaranteed by the Archbishop of Canterbury, the Bishop of Winchester, five Earls, and Roger Mortimer. These proposals were laid before Parliament on the 12th November, and rejected without hesitation. War was declared, and a general muster of the military tenants agreed to. But to give the Prince yet another opportunity of coming to his senses, active operations would be deferred till Midsummer.[3]

A Final Citation.

War Declared.

On previous occasions, as we have seen, the threat of excommunication had been found an effectual weapon in dealing with Welsh princes. On the 13th November a formal notification was addressed to Llewelyn by the Bishops, warning him that by his course of conduct he had already come under

Llewelyn Excommunicated.

[1] Winton. 120, 121; Waverley, 386; Flor. Cont. II 217; Westm. III 47. Edward came to London on the 30th April and remained there all May; *Itinerary*.

[2] Waverley, 386; and the King's manifesto, *Fœdera*, 535.

[3] See the manifesto, sup. On the 12th December 177 lay tenants *in capite*, 21 bishops, 25 abbots, and 11 baronesses were summoned to be at Worcester by the Octave of St. John. The lay tenants included the Scottish Earls Gilbert Umfraville of Angus, and Alexander Comyn of Buchan, with several foreigners, besides John of Brittany, Earl of Richmond. The Patent Roll (5 Ed. I) is full of the names of minor persons joining the leaders, but the total would only come to a few hundreds. Chargers were imported from abroad, and victuals brought from the South coast, the Midlands and Ireland. See the Calendar Pat. R. I 184–222.

the sentences denounced by Archbishops Langton and Boniface against disturbers of the peace, and that if he failed to make satisfaction, those sentences would become executive within a fortnight of the receipt of the notice.[1] Here again Llewelyn might have availed himself of the example of his grandfather, as an excuse for submission. But the thunders of the Church had no terrors for him, and were faced with unconcern. On the 27th February the sentences were formally proclaimed.[2]

But still Obdurate.

Edward, however longsuffering, was not the man to neglect measures of precaution. Bodies of men-at-arms under Roger Mortimer, the Earl of Warwick, the young Earl of Lincoln,[3] and others, were sent down to guard the Marches.[4] On the 11th April, 1277, Pain of Cahors, described as Captain of the King's 'munition' in West Wales—so purely military was the English position there—negotiated a treaty of offensive and defensive alliance with the lord of Dryslwyn, Rhys son of Maredudd, the representative of the old line of Southern Kings, whereby the English gained access to Carmarthenshire ;[5] while Mid-Wales would be opened to them through the influence of the dispossessed Gruffudd, son of Gwenwynwyn.

Preliminary Measures.

At the appointed time Edward appeared at Worcester. Three armies were placed in the field : one under the Earl of Lancaster and Pain of Cahors, to advance through Carmarthen into Ceredigion (Cardiganshire) ; a second, under Roger Mortimer and the Earl of Lincoln, entering our Montgomeryshire, recovered the districts of Kerry, Gwerthrynion and Cydewain, i.e. the upper basin of the Severn, in the interest of the Lord of Cyfeliog ; while Builth was won back for Roger Mortimer.[6] The young Earl of Hereford,[7] co-operating from his bases at Huntingdon and Hay, retook Brecheiniog, i.e. Brecknockshire ;[8] while Edmund of Lancaster sealed the reduction of Ceredigion by re-establishing a fort at Llanbadarn, i.e. Aberystwith.[9] On the 18th July the principal army

Triple Invasion of Wales.

[1] *Fœdera*, I 536.

[2] Id. 541.

[3] Henry de Lacy, son of Edmund, knighted and invested by Henry III on the 13th October, 1272 ; above, and *Complete Peerage*.

[4] B. Cotton, 154 ; Osney, 169 ; Westm. III 48 ; *Fœdera*, 537 ; Calendar Pat. R. 4 Ed. 171. The paysheet for these forces is given by Mr. J. E. Morris, *Welsh Wars*, 140, from Pipe Roll, 7 Ed. I. The sums paid represent in all from 400 to 500 men-at-arms at 1*s*. a day from January to April and May.

[5] *Fœdera*, 542.

[6] *Brut*. 365 ; *Fœdera*, 544.

[7] Humphrey Bohun II, who succeeded his grandfather, Humphrey I, in 1275 ; *Complete Peerage*.

[8] *Brut*, 365 ; *Fœdera*, 544.

[9] *Brut*, 369 ; Ann. Camb. 105 (given under 1276).

under the King's own command mustered at Chester, for the direct attack on Gwynedd. Llewelyn's brother David joined this force.[1] On the 23rd July Edward established a camp by Basingwerk Abbey, near Holywell, while the castles at Flint and Rhuddlan were being repaired. By the 25th August Rhuddlan was fit to receive the King, and became his headquarters to 21st November. Roads were pushed into the interior, through the thickets that covered the country, while a naval contingent from the Cinque Ports overran and occupied Anglesey, cutting off all supplies from that quarter. Blockaded by the whole forces of England Llewelyn was driven to the mountainous region of Snowdon, and there starved into submission.[2] On the 9th November the King's terms were finally accepted by the Prince, and ratifications exchanged at "Aberconway," i.e. Conway; Llewelyn to liberate his brothers Owain and Roderick, and all other political prisoners, unconditionally; to declare himself 'at the King's mercy,' to the tune of a fine of £50,000; and to release all claim to the four Cantreds of Perveddwlad (ceded to him by Henry III),[3] and likewise to acquiesce in all other conquests made by Edward in the late campaign, except Anglesey, which the King is pleased to restore, as a fief, to be held by Llewelyn, and the heirs male of his body lawfully begotten, at a rent of 1,000 marks (£666 13*s.* 4*d.*) a year. To support his dignity as Prince he would be allowed the homages of five 'Snowdon barons' during his life; at his death their homages to 'revert' to the Crown of England, so that the unsupported Princely title would expire. The King undertook to provide for David, giving him a grant of lands within the four Cantreds. Llewelyn would come to Rhuddlan, to swear fealty; his homage would be rendered in London; but not till he had been reconciled to the Church and received absolution. Hostages would be delivered, and oaths to observe the treaty taken at once, and renewed annually, by the Prince's 'best men.' It was further stipulated that the men holding land within the King's new conquests should continue to hold them on the same terms, and under the same customs and liberties, as before. In all judicial investigations March questions would be determined by March law, and Welsh questions by Welsh law. Conquests made by persons other than the King would be subject to judicial investigation, his own acquisitions passing unchallenged.[4]

Llewelyn Starved out.

Treaty of Conway.

On the 10th November, the day after the execution of the treaty,

[1] For a treaty with David see *Fœdera*, I 544; and for full muster rolls, *Parly. Writs*, I 197.

[2] "Totius regni viribus conglobatis," etc.; Wykes, 272.

[3] Above, 263.

[4] See the King's preliminary articles in French, Osney, 172; and the final treaty, *Fœdera*, 545.

Llewelyn was brought under ceremonious escort to Rhuddlan, and there swore fealty. Edward then graciously remitted the Anglesey rent, and the impossible amerciament.[1] In due course the Prince received absolution, came to London under safe-conduct; assisted at the Christmas festivities; did homage; received the kiss of peace, and was sent safely home.[2]

To revert to the campaign. On the 10th of November, the forces were paid off and disbanded. The charge for crossbowmen, archers and foot-spearmen for 108 days from July 18 to November 10 is given as £4,762.[3] Assuming these to have been all organized on the established system, by hundreds, at *2d.* a man a day, with a Twentyman at *6d.* a day over every twenty, and a mounted Constable at *1s.* a day over each hundred,[4] the given sum would represent a total averaging about 4,600 foot from first to last. But as a certain proportion of the men were crossbowmen, who would receive *3d.* a day, the number must have been less.

With respect to the cavalry we have no primary pay at all entered. But we have the usual "regard," or extra pay and allowance for loss of horses, etc., amounting to £1,633. This extra pay on a very full later paysheet is found just to equal the primary pay.[5] Assuming that to have been the case in 1277 we should have a total of about 1,500 men-at-arms. If some of them were light cavalry, the number would be greater.

As a step towards the introduction of the English system of county administration Ceredigion was assigned to the Earl of Lancaster, to be held by him as the county of Cardigan; the local Chieftains, Gruffudd son of Maredudd, and Rhys son of Mailgwn, being brought to do him homage.[6]

For comprehensiveness of plan, and thoroughness of execution the campaign of 1277 throws all previous English attacks on Wales into the shade. It was the first real attempt at the subjugation of the country; previous expeditions had merely nibbled at it. Edward kept his men in the field till the work was done; and he was enabled to keep them on after the expiration of the legal term of service by giving them a certain amount of pay or 'reward.' The footmen were paid from the first. For frontier or garrison duty, as we have seen, pay was drawn throughout, the wages being issued for forty days at a time, "clearly in imitation of the feudal forty."[7] Thus the Earl of Warwick at Chester, and

New Military System.

[1] *Fœdera*, 546, 547.
[2] *Fœdera*, 548; Wykes, 274; Flor. Cont. II 218; Ann. Winton. 125.
[3] Morris, sup., 140.
[4] See below, under 1282, 342.
[5] See below, the paysheet for 1282-1283, 348.
[6] *Brut.* 367, 369.
[7] Morris, sup, 68.

Lincoln at Montgomery, drew pay for 120 days, three periods of forty days, between January and May.[1]

Llewelyn was not allowed to take his bride home with him, though he was allowed to make arrangements in contemplation of their marriage.[2] Edward thought it safest to retain the precious pledge till he had seen how Llewelyn would conduct himself under his altered circumstances. On the 21st May, 1278, the King writes to Robert Burnel, in Gascony, that Llewelyn is behaving admirably: he is submitting his rights to the decision of the Royal Justices in the most docile manner.[3] A little later, however, in answer to a complaint from Llewelyn, that the Justices had summoned him to Montgomery, the King calls his attention to the important legal distinction that whereas suits relating to lands held by mesne tenants were usually determined within the district, suits relating to lands held of the Crown *in capite* might be heard wherever the Royal Justices were pleased to fix the venue.[4] At the same time he informs the Prince that the Justices have been ordered to inquire into outrages alleged to have been committed by Gruffudd son of Gwenwynwyn, or his men. A leisurely progress along the Welsh March, to which Edward prudently devoted the autumn months of the year,[5] checked some symptoms of impatience evinced by Llewelyn; and enabled his marriage to Eleanor to be finally celebrated. The nuptial knot was tied at Worcester, on the 13th October; King and Queen were present, also the King of Scotland.[6] We regret to add that Edward, before he would allow the marriage ceremony to be performed, extorted from the reluctant Prince an insidious *addendum* to the Conway treaty, whereby, according to Llewelyn, the allegiance of all his men would be made subject to the will of the King of England.[7]

Alexander III had come to England on a business to which recent events in Wales gave a marked significance. The scope of the homage rendered by Alexander and his two predecessors under the treaties of 1209 and 1212, still remained an open question, a question to be fought out. According to the Melrose Chronicle the recognition given by Alexander II to Henry III in 1217 was expressly limited to the English estates; whether the English would accept homage so worded must be considered doubtful.[8] More likely the homage was left

[1] Above, 319, note 4.

[2] *Fœdera*, I 548, 549.

[3] "Coram justiciariis nostris comparens benigne petit et recipit justiciam, etc."; *Fœdera*, I 554.

[4] *Fœdera*, I 557, 559.

[5] Wykes, 276; Edward was moving along the frontier 6 August–15 October; *Itinerary*.

[6] Wykes, 276, 277; Flor. Cont. II 219; *Brut*, 371.

[7] See Llewelyn's letter to the Archbishop; *Reg. Peckham*, II 443.

[8] See above, 17.

indeterminate ; and, at any rate, it is clear that at no time since 1217 had the Scottish Kings been without English possessions for which homage would be due.[1] Nothing is heard of any homage at the marriage of Alexander II to Jeanne in 1221 ; while the homage of 1237 was clearly rendered for Penrith, Sowerby and Tynedale. In 1244, by the treaty of Newcastle, Henry, if anything, receded from the position that he held under the fundamental treaty of 1212. In 1251, on the occasion of the marriage of Alexander III with Margaret, Henry endeavoured to obtain a declaration that the homage was rendered for the Scottish Crown ; but the demand was resisted, with success. Edward now, being dissatisfied with the wording of the coronation homage, pressed Alexander to give a more comprehensive recognition of superiority. In the letter to Robert Burnel of the 21st May, above noticed, the King informs the Chancellor that the Scottish King has consented to render an unrestricted, i.e., an indeterminate, homage.[2] This homage was rendered by Alexander to Edward at Westminster, on Michaelmas Day, 1278, in words which have been preserved. The Scottish King simply declared himself the liege man of Edward as against all men ; and Edward accepted his homage, saving his claim and right to demand homage for the crown of Scotland whenever he or his heirs might think fit to do so.[3]

Alexander then took the oath of fealty, the oath being sworn vicariously, as royal oaths usually were ; but Edward affected to treat this as a special favour granted for once only. By the mouth of Robert Bruce VII, Earl of Carrick,[4] Alexander swore that he would hold faith to Edward and his heirs, Kings of England, of life and limb and earthly honour ; and would render the services due for the lands and tenements he held of the King of England.[5]

[1] The allegation of Lingard to the contrary is quite unfounded. At the death of David, Earl of Huntingdon, in 1219, the wardship of the earldom was at once granted to Alexander. Bain, Calendar Scots D., I 130. A few years later the wardship of Roger Bigod, Earl of Norfolk, followed.

[2] "Absque conditione aliquâ," *Fœdera*, I 554. See also Wykes, 277, who speaks of the coronation homage as having been rendered only for the English estates. Boniface VIII, in a letter to Edward in 1299, speaks of this as an undeniable fact ; *Fœdera*, I 907.

[3] "Ego Alexander rex Scotiæ devenio ligius homo domini Edwardi regis Angliæ contra omnes gentes. Et idem Rex Angliæ homagium ejusdem Regis Scotiæ recepit salvo jure et clamio ejusdem Regis Angliæ et heredum suorum de homagio prædicti regis Scotiæ et heredum suorum de regno Scotiæ, cum inde loqui voluerint," *Fœdera*, I 563. The words of the homage follow the common formula given by Bracton, except in omitting reference to the tenements for which the homage was performed.

[4] Son of Robert Bruce VI, who fought at Lewes. The seventh Robert became Earl of Carrick in right of his wife Margaret, Countess of Carrick in her own right, whom he married in 1271 ; Foss, *Complete Peerage*.

[5] "Ego Alexander Rex, Scotiæ portabo bonam fidem domino Edwardo Regi Angliæ et heredibus suis regibus Angliæ de vita et membris et terreno honore ;

Here we have the tacit compromise distinctly renewed. The services are rendered for the lands and tenements held of the King of England—whatever they may be—*prima facie*; such words would certainly not include a Crown, and the ominous hint of King Edward that he may some day require homage for the Scottish Crown, plainly shows that the homage then rendered was not considered such.

et fideliter faciam servitia debita de terris et tenementis quæ teneo de Rege Angliæ supradicto," *Fœdera*, sup. The original entry on the Close Roll (6 Cl. Ed. I m. 5 dorso) is written on an erasure, and Mr. Allen (Vindication of the Independence of Scotland) and others would treat the entry as a mere forgery, but the letter to Robert Burnel seems to place the record above suspicion. That Alexander did homage on this occasion is beyond doubt. See Wykes, 277; Wav. 390; Worc. 474. Compare also Lingard and Hill Burton.

CHAPTER XIX

EDWARD I (*continued*)

A.D. 1278–1281.

Financial Measures—Currency—Legislation—Proceedings in *Quo Warranto*—Treaty of Paris confirmed by Philip III—Acquisition of Ponthieu by Edward—Ecclesiastical Affairs—Two new Archbishops—Statute *De Religiosis*.

THE war with Llewelyn had been successful, but it had been costly; and the King was in want of money.[1] A scutage of £2 on the Knight's fee was demanded of the tenants who had not been called upon to serve in person.[2] In June an old financial expedient was revived, namely that of calling on all freeholders worth £20 a year in land, whether tenants *in capite* or not, to come forward to be Knighted by the King, or else pay for leave to be excused.[3] In July a general tallage was imposed on the Jews; the commissioners are directed to attach all moneys due to Jews, as moneys virtually due to the King.[4] It has been suggested that their unpopularity was partly due to the fact that "behind the Jew stood the King."[5] Later in the year a ferocious attack was suddenly sprung upon them. On the 18th November orders were issued for the general arrest of all Jews, on a charge of clipping coin.[6] Presumptive evidence was found in some of their dwellings sufficient to warrant the execution of 193 Israelites in London alone,[7] besides numbers put to death in other cities. Of course the goods of all these men,

Financial Measures.

[1] 13,150 marks had been borrowed from various foreign merchants in June; Calend. P.R. 214.

[2] So expressly, Wykes, 274; *Parly. Writs*, I 197, 199. Some were let off with 13*s.* 4*d.*

[3] See the Writ, *Select Charters*, 447; *Parly. Writs*, I 214. The expedient had been resorted to by Henry III, Rot. Claus. II 69 (1224). See generally Stubbs, *Const. H.* II 295.

[4] *Fœdera*, 570.

[5] Pollock and Maitland, *Hist. Engl. Law.*

[6] *Fœdera*, 570.

[7] *French Chronicle of London* (Aungier); the Dunstable Annalist raises the number to 280; p. 279.

as well as those of others not found quite worthy of death, passed into the King's hands. Some native goldsmiths also were arrested, but these for the most part were let off with fines.[1] But the returns from all these sources would prove quite insufficient; and Edward had to throw himself on the generosity of the Pope, begging for an 'advance' of 25,000 marks (£16,666 13*s.* 4*d.*) from the Crusade Tenths voted at Lyons; and Nicholas III, with some hesitation, granted the boon; but on condition that the King should again take the Cross.[2]

The Papacy.

To revert to the attack on the Jews. It is clear that the currency was in a bad state, much clipped and defaced, and that trade, and especially foreign trade, suffered in consequence.[3] The clipping would be facilitated by the fact that halfpence and farthings, as independent coins, were still unknown, the practice being to break the silver penny into halves and quarters for change. A new currency was now issued of pennies, halfpennies, and farthings (*denarii*, *oboli*, *quadrantes*), all equally circular in shape, the new coin being delivered to the public in exchange for the old under a deduction of sixteen pence in the pound.[4]

New Coinage.

Half-pence and Farthings.

> "Edward did smyte rounde peny, half peny, ferthing;
> The croice passed the bounde of alle thorghout the ryng.
> The kynges side sall be the hede and his name writen;
> The croice side what cite it was in coyned and smyten."[5]

It would also appear that groats (*gros deniers*) or fourpenny pieces were now struck for the first time.[6] Financially the affair proved a

[1] 1278–1279; Id. and Wykes, 278, 279; Dunst. 280; Waverley, 390; *Fœdera*, sup. Wykes and Waverley both condemn the action of the Government.

[2] 1 August, 1278, *Fœdera*, 560. Since January, 1276, the Papal Throne had received four successive occupants. Gregory X died on the 10th January in that year. On the 23rd February following Peter of Tarentaise was crowned Pope as Innocent V; he died in June. In July Ottobuone, the former Legate, was elected as Adrian V, and died in August, unconsecrated. On the 20th September (1276) Cardinal Peter, a Portuguese, was crowned as John XXI; he died on the 16th May or 17th May, 1277. On the 25th November following Giovanni Gaetano Orsini was elected as Nicholas III, and crowned 26th December; H. Nicolas.

[3] Wykes, 278. On the 8th December, 1278, the King forbade the exportation of all broken or defaced coin; *Fœdera*, I 564.

[4] May–August, 1279; Wykes, 280; Waverley, 391; Dunstable, 280; Westminster, III 53; Trevet, 300. For details of the operation see Ruding, *Annals of the Coinage*, I 191–193. The Master of the Mint for the work of coining received 7*d.* in the pound. For the coins of Edward see E. Hawkins, *Silver Coins of England*, 199 (ed. 1887).

[5] Robert of Brunne (ed. Hearne), IV 238.

[6] Flor. Cont. II 222. "Gros Tournais Englays que valent quatre esterlings." Peter Langtoft.

great success, the Wardrobe accounts for the 8th, 9th, 10th, 11th and 12th years showing between them returns to the amount of £36,875 under this head from the English Mints.

Hand in hand with taxation, as usual, went legislation. The October Parliament of 1276 had passed two minor Acts, the Statute *De Bigamis* and the "*Rageman Act.*" The first of these measures adopted a Canon passed in the recent Council of Lyons; clerks guilty of 'bigamy,' if subsequently attainted of felony, to be punished as laymen. 'Bigamy' here, it must be stated, was used in the canonical sense, including not merely the contracting of a second marriage during the life of a wife, but also re-marrying after the death of a wife, or even marrying a widow.[1] We may notice that Edward, though not prepared to allow Canon Law to become authoritative without Parliamentary enactment, was evidently glad of an opening for getting hold of criminal clerks whenever possible. By the *Rageman Act* the King obtained special powers for enabling the Itinerant Justices to hear and determine suits for acts of malversation, trespass, or neglect committed by sheriffs within the last twenty years.[2] This was the first step towards taking action on the reports of the commissioners of 1274, now sent in and embodied in the Hundred Rolls.[3] The misdeeds of sheriffs had been a point to which the attention of the commissioners was specially directed. A further step was taken in a Parliament held at Gloucester in the middle of August, 1278, during the King's progress above noticed. By the law as it previously stood, writs of *Quo Warranto*, the procedure the King intended to adopt, were only returnable before the Justices at Westminster.[4] But this would be very inconvenient for all parties. The Act therefore made these writs returnable before the King's Justices in Eyre; the sheriffs being ordered to make general proclamation, summoning all persons claiming to hold franchises by royal charter, or otherwise, to appear before the King, or his Justices in Eyre, at their next circuit, to show what manner of franchises they claimed to have, and by what warrant.[5]

Statutes.

"De Bigamis."

Rageman Act.

The Hundred Rolls.

Proceedings in "Quo Warranto."

[1] See Stephen's Blackstone, IV 328, note. Statutes, I 42.

[2] Statutes, I 44.

[3] Record Commission, 1812.

[4] Stephen's Blackstone, III 670.

[5] "Quel manere de fraunchises il cleiment aver, et par quel garaunt"; Statutes, I 45. "Copies of the returns contained in the Rotuli Hundredorum were given to the justices at their next circuits (Rot. Claus. 7 Ed. I, m. 8 dorso); while from this time the Articles of October, 1274, became the standing *Capitula Coronæ* of the justices on circuit, and were always given in charge by them on the Crown side to the Hundredors." Introduction to the Hundred Rolls. For the general enactments of the Statute of Gloucester dealing with Real Property law see Statutes, I 45–50.

The gauntlet was thus fairly thrown down. As a preliminary measure in October all the sheriffs but three in England were changed; the outgoing men having mostly held office since 1274 or 1275.[1] The *Quo Warranto* proceedings followed without delay. The first county taken in hand was Kent, and there the Earl of Gloucester was summoned to show his warrant for holding the Hundreds of Wathelstan and Littlefield. The Earl demurred to the writ, but the judges overruled the demurrer, and judgment was finally given for the Crown.[2] Surrey came next. There John of Warenne was cited to defend the franchises he claimed as Earl of Surrey. Warenne was perhaps the only man of mark in the kingdom who, through all the troubles of the late reign, had never faltered in his allegiance to the Royal cause. It was, to say the least, an ungracious act on the part of the King to summon him, and so doubtless it was thought at the time. A well-known story tells how the Earl exhibited a rusty old sword as his warrant—'the warrant,' he said, 'by which William the Bastard held his crown,—with the result that Edward took the hint and called for no more titles.[3] Unfortunately the story is not quite borne out by the records of the proceedings, which are extant. The Earl undoubtedly was summoned, and duly appeared at Reigate, by his attorney. It is also true that he boldly claimed an ample measure of Royal franchises, taken over *en bloc* from Saxon predecessors, and that he did so without affecting to produce one scrap of parchment; he simply averred that he and his ancestors had enjoyed the franchises in question time out of mind,[4] and that they had usurped nothing from the King or his ancestors. Lastly it is true that the jury found for the Earl on all points, declaring that he and his had held and enjoyed their franchises 'time out of mind,' and that they had 'usurped' nothing of the King.[5] But for all that the essential point of the story fails utterly. The King was not in the least deterred from prosecuting his suits against other persons. The justices calmly continued their rounds. For ten full years the Pleas of *Quo Warranto* dragged their slow length along. But Edward disarmed the opposition that might have been incurred by the general moderation of his demands.[6] Still the discontent of the Magnates was profound, and it found vent in a pithy couplet, which was allowed to reach the Royal ear.

[1] *List of Sheriffs*. The Dunstable writer again notices the fact.
[2] See the *Parliamentary Writs*, I 382.
[3] Hemingb., II 6.
[4] "A tempore quo non extat memoria."
[5] See the record, *Placita Quo Warranto*, p. 745. January, 1279.
[6] See the records, *Placita Quo Warranto*, Record Commn. On the 12th March, 1279, a fresh commission of enquiry was issued for the boroughs; *Fœdera*, I 567.

"Le Roy coveit nos deneres,
Et la Reine nos beaus maners;
Et le Quo Warranto
Maketh us alle to do." [1]

The higher clergy felt not less aggrieved than the Baronage, their 'liberties' having been equally assailed.[2]

The See of Canterbury.

The year 1278 brought the brief pontificate of Archbishop Kilwardby to a close. "His energy had not answered the expectations of the Papal Court." In the month of March Nicholas raised him to the Cardinalate, and summoned him to Rome. Obedient to the call of duty, Robert threw up the honours and emoluments of Canterbury, and went to Italy, there to die in the course of the ensuing year.[3]

Kilwardby Deposed.

Edward again brought forward his man, Robert Burnel the Chancellor, now Bishop of Bath; and the Canterbury monks, who had rejected him in 1270, elected him.[4] But Nicholas would not have him, doubtless considering him too much involved in secular affairs. Kilwardby was a Dominican. To keep the balance trim, therefore, between the rival Orders, the Pope appointed a Franciscan, John of Peckham, Provincial Minister of the Order in England, an Oxford man, not less distinguished for character and attainments than his predecessor.[5] Being in Italy at the time, he received consecration at the hands of the Holy Father himself, on the 19th February, 1279.[6] Making his way homewards, he reached Amiens on the 21st May, when he presented himself to Edward, who had come over to meet Philippe Le Hardi for a final confirmation of the treaty of Paris, and the actual cession of the Agénais. Edward had protested against the appointment of Kilwardby, but he gave Peckham a friendly reception, and invested him at once with his temporalities.[7]

Peckham, Archbishop.

Treaty of Paris Confirmed.

On the 23rd May the great treaty was once more ratified, and the Agénais definitely made over. But the complicated questions of the

[1] Hemingburgh, II 7, and variants in the notes.

[2] See the Westminster Chronicle (Matt. Westm.), III 49, 50; Wykes, 395. For rumours that the King intended to interfere with the primary rights of property see *Fœdera*, 575.

[3] Gervase, Cont. II 291; Wykes, 277, 282; Dunstable, 278; Waverley, 389; Stubbs, *Const. H.* II 116.

[4] Wykes, Waverley and Dunst. sup. On the 10th July Edward wrote to the Pope on behalf of Burnel; *Fœdera*, I 559.

[5] See Trevet, 290, 291. "Vir supereminentis litteraturæ"; Wykes, 280.

[6] Id. and *Reg. Sacrum.*

[7] See Peckham's letter to the Pope, 25th May, *Fœdera*, 572; Calendar Patent R., 30 May. Edward crossed on the 8th May, leaving Godfrey Giffard Bishop of Worcester, Thomas Cantilupe Bishop of Hereford, and the Earls of Cornwall and Lincoln as King's Lieutenants; Calendar Pat. Roll, 314; *Fœdera*, I 568.

minor cessions within the Dioceses of Limoges, Cahors, and Périgueux, i.e., the "Querci Toulousain," was apparently left over for further arbitration.[1]

Acquisition of Ponthieu.

The absolute surrender of all claim to the old Northern provinces was the price of the cession of the Agénais. But fortune at this very time had again given England a footing on the Channel coast of France, through the devolution of the counties of Ponthieu and Aumâle on Queen Eleanor, from her mother, recently deceased.[2] On the day of the confirmation of the treaty the King arranged to pay Philip £6,000 Parisis (£1,500 sterling) as the Relief (*Rachat*) of Ponthieu.[3]

Edward stayed on another month abroad, exchanging constitutional guarantees with his new subjects in Ponthieu, and arranging for taking seisin of the Agénais 'and other lands to be made over.' On the 19th June he landed at Dover.[4]

A Militant Archbishop.

Seldom since the Conquest had Kings and Archbishops worked harmoniously together. So far, however, Edward had had no trouble, either with Boniface or Kilwardby. Peckham, as if to make up for the shortcomings of his predecessor, lost no time in proclaiming a militant pontificate. On landing at Dover on the 4th June, without waiting for royal licence, he summoned a Provincial Synod to meet at Reading on the 30th July.[5] His next step was to request the King's Justices to suspend their proceedings in Quo Warranto against the Earl of Gloucester, as the rights of Canterbury might be affected thereby.[6] The Reading Synod began with a re-publication of the Constitutions of Ottobuone, dealing especially with the question of pluralities, as already mentioned. 'Friar' John as the Primate loved to call himself, followed with a speech or sermon, in which, after expressing a determination of suppressing pluralities not sanctioned by Papal licence, he proceeded to require his clergy to denounce periodically sundry classes of offenders, as *ipso facto* excommunicate, under sentences uttered by previous Archbishops. Among the condemned cate-

Excommunications.

[1] See the ratification, *Fœdera*, 571; the letter of the Archbishop to the Pope above, and Flor. Cont. II 222.

[2] Eleanor's mother, widow of Ferdinand III of Castile, was by birth Jeanne of Dammartin, eldest daughter of Simon of Dammartin, Count of Aumâle, by Marie, Countess of Ponthieu, daughter of William II; the male line of the House of Talevas having ended on the field of Bouvines with the death of Marie's brother, Jean II; Anselme, *Hist. Geneal.*, III 299, 304.

[3] *Fœdera*, 572.

[4] Id. 573–575. William of Valence was commissioned to take possession of the Agénais. Both sides at once began to fortify the new frontier of Gascony; some of the forts are still extant; Lavisse.

[5] *Registrum Peckham*, 9. (C. Trice Martin, Rolls' Series, 77.)

[6] 11th June, Id. 12 and again 14. For a protest against a clergyman being summoned before the King's court at Westminster, see p. 15.

gories would be included all invaders of the 'liberty' of the Church, and more especially those who obtained royal writs to obstruct proceedings in ecclesiastical courts; all, whether King's officers or not, who neglected to enforce the sentences of such courts; all disturbers of the peace; all violators of Magna Carta. He further ordered the clergy to keep copies of the Great Charter, at least the part containing the grant of full liberty to the Church, affixed on the doors of all cathedral and collegiate churches.[1]

The Archbishop in Debt.

But the unfortunate Archbishop, while sowing anathemas broadcast, was himself at this very time trembling under an impending excommunication. He had been obliged to borrow 4,000 marks from Lucchese merchants for his outfit and journey, the money to be repaid at Michaelmas; with 1,000 marks more by way of penalty or interest (*interesse*) if the term was overstayed. But the unconscionable creditors had obtained, by way of collateral security, a sentence of conditional excommunication against Peckham, if the debt was not liquidated by a day that he could not possibly meet, as the archiepiscopal chest was empty, all rents having been anticipated by the King.[2]

But the pretensions of the Church of Canterbury had to be asserted, not only as against lay authority, but also as against the rival pretensions of the Northern Province. Peckham was equally uncompromising in either direction. Walter Giffard, Archbishop of York, had died on the 22nd April. The Chapter elected William of Wickwane, Chancellor of York. Hastening to Italy he obtained consecration at the hands of Nicholas at Viterbo, on the 17th September.[3] It would seem that he had obtained from the Pope a Bull, addressed to Peckham, authorising him, Wickwane, in general terms, to carry his cross. On landing with his cross before him, he found that Peckham had anticipated him, by laying under Interdict all parishes in the Province in which Wickwane should appear with his cross, at the same time forbidding any person to sell him meat, drink, or fodder, or hold any intercourse with him, if bearing his cross, under pain of excommunication. Not content with these measures the Canterbury Official, Adam of Hales, thought himself justified in having recourse to actual force. He assaulted the Northern party and destroyed their cross. Another cross having been procured, the struggle was resumed next day at the gates of London—Wickwane being on his way to render homage to the King. He found an armed mob waiting to dispute his passage, but his friends were prepared for the contin-

Wickwane, Archbishop of York.

Struggle with Canterbury.

[1] Wilkins, *Conc.* II 33–36.

[2] See the Archbishop's appeal to the Pope, Nicholas III; *Reg.* 17 and 34; and for the anticipation of the issues by the King; Calendar P.R. 322.

[3] *Reg. Sacrum.*

gency. Charging the mob, by dint of sheer fighting they fairly carried their Archbishop, cross and all, to Westminster.[1]

Peckham Called to Order.

For his aggressive acts Peckham was promptly called to order. He was summoned to the October Parliament of the year, and forced to withdraw the Reading sentences against applications for King's Writs, invasions of Church property, or neglect to enforce ecclesiastical censures. He was also required to take down Magna Carta from the church doors, and allow Archbishop Wickwane to be supplied with necessaries.[2]

A Counter-Attack.

The King followed up this blow by producing the Statute *De Religiosis*, or the first Mortmain Act. The beginning of the protracted struggle between the clergy and the lawyers, known as the battle of the Mortmain Acts, deserves a special notice; of course it marks a turn in the tide of ecclesiastical influence. Lands held by a corporation, that is to say an undying person, were said to be held in Mortmain, '*in mortua manu*,' because such lands as concerning feudal incidents were practically dead to the lord. Neither wardship nor marriage, neither escheat nor relief, could accrue in respect of such tenements. Complaints on the subject were of very long standing. Magna Carta, in its original form, made no attempt to check the acquisition of land by the clergy. The second Charter of Henry III prohibited the colourable conveyance of land to religious houses, for the sake of evading taxation, but nothing more.[3] The Provisions of Westminster went a good deal farther, forbidding any acquisition of lands by religious houses, except with the consent of the lord of whom the same were immediately holden.[4] The present Act, after reciting the last-named enactment, and its entire failure, forbids the acquisition in the future by any Religious person of any lands or tenements, whether by purchase, lease, gift, or other title or pretence whatsoever, under penalty of forfeiture to the immediate lord, or, in case of his neglect, to the lord next above him, and so ultimately to the Crown.[5] This measure would seem explicit enough. But the ingenuity of the clerical party, and their legal advisers, and the readiness of the Crown to grant dispensations,[6] enabled them to baffle, not only

Mortmain.

Statute "De Religiosis."

[1] See Wickwane's letter of complaint to the Pope, enclosing a copy of Peckham's orders; *Northern Registers*, 59–63; Wykes, 281. See also Peckham's letter to the Pope; Wilkins, II 119. Peckham renewed the struggle in 1286, at the advent of another Archbishop of York, John le Romayne; *Northern Registers*, 82.

[2] Rot. Parlt. I 224; Wilkins, *Conc.* II 40.

[3] Section 43 as numbered in *Select Charters*, 338.

[4] Section 14, Statutes Realm, I 10; *Select Charters*, 395.

[5] 15th November, 7 Ed. I. Statutes of Realm, I 51; Wykes, 282.

[6] For these see the Patent Rolls, *passim*. Hardly a skin passes without a licence to aliene in mortmain.

this Act, but also whole centuries of similar legislation, extending down to the days of George II, when a final and complete victory was gained by the lawyers.

Clerical Grants of Money. The production of the Statute *De Religiosis* was followed, rather cruelly, by a demand on the part of the King for another Fifteenth from the clergy, the lesser clergy being invited to contribute, on the ground that they had escaped taxation in 1275. 'As with the people so with the priest' was the King's word now.[1] The Archbishops agreed to lay the matter before their Provincial assemblies. The Convocation of Canterbury met in January, 1280, and granted a Fifteenth for three years; the diocesan Synods of the Northern Province, meeting at different times, granted a Tenth for two years.[2]

Clerical Incomes. On this rather obscure question of the taxable incomes of the clergy, we should perhaps distinguish three kinds of revenue: I, baronies of the higher clergy, and other lands held on military or other lay tenures. These would be pure temporalities, and the taxes on them would be voted in Parliament. II, the glebes of the parochial clergy and lands held in 'pure alms' would form an intermediate category, regarded as partly temporal and partly spiritual. III. The church fees, tithes and offerings of the parochial clergy would be pure spiritualities. Grants from both the last would have, presumably, to be voted by clerical assemblies.[3]

That the relations of the King and clergy at this time were in a state of considerable tension, may be gathered from a message to the Prelates sent by the King on the 5th January, 1280, warning them 'as they loved their baronies not to meddle with his prerogative.' The warning was expressly issued in view of the Convocation summoned for the 20th January to consider the King's demand for a grant.[4]

Further Struggles.

But Peckham was not prepared to surrender the question of ecclesiastical jurisdiction without further effort. The struggle was renewed in connexion with a Synod held at Lambeth on the 7th October, 1281.[5] It was understood that the Archbishop proposed to exclude the Royal courts from the determination of suits on patronage, and

[1] Osney, 286.

[2] Wilkins, *Conc.* II 37–42; Flor. Cont. II 224; Chron. Lanercost, 105; Stubbs, *Const. H.* II 118; Dunstable, 286. The York Tenth was reluctantly given, and not all paid by 1286; *Fœdera*, 673.

[3] See Bishop Stubbs, *Const. H.* II 179, etc. He only makes two categories, however.

[4] "Quod sicut baronias vestras quas de nobis tenetis diligitis nullo modo presumatis concilium tenere de aliquibus que ad coronam nostram pertinent." 8 Pat. 25: cited Pauli, II 17, and Calendar P.R. 8 Ed. 359.

[5] Wykes and Osney, 285 (where the year is given as 1280). M. Westm. III 54; *Reg. Peckham* (Martin), 211.

from intervention in causes touching the chattels of the clergy.[1] But Edward was again beforehand with a stern word of warning;[2] and again Peckham had to give way. The Constitutions passed in the Synod were kept strictly within its province, dealing only with questions of faith and morals, the Creeds, the Sacraments, the lives of the clergy, and the like.[3]

Clerical Grievances.

But the ecclesiastical courts were not without their grievances. If they were too ready to extend their jurisdiction, they could point to numerous cases in which their legitimate functions were arrested by writs obtained from the Civil Courts. Negotiations ensued between the Archbishops and the King. Edward gave a patient hearing to their complaints, though he would not allow them to legislate for themselves. The result was a final definition of the limits of the spiritual jurisdiction in 1285.[4]

[1] Wykes, Osney, and M. Westm., sup.

[2] 28th September, *Reg. Peckham*, 235.

[3] Wilkins, *Conc.* II 51–61. Another moot point was that of the non-residence of beneficed clerics in the King's service; and there, too, Edward would not give way. See his letters to the Bishop of Chichester; *Fœdera*, 593. So, too, as to the Archbishop's claims of visitation over Chapels Royal; *Reg. Peckham*, 109, 111, 178, 180, 184.

[4] See below; also *Articuli cleri, Northern Registers*, 70–78, which give a clear view of the struggles between the two jurisdictions.

CHAPTER XX

EDWARD I (*continued*)

A.D. 1280–1283.

Edward and the Welsh—Stipulations of the Treaty of Conway evaded—Discontent in Wales—Outbreak of David—Second Welsh War—Deaths of Llewelyn II and David—Reduction of Wales.

THE year 1280 brings us to the last chapter in the dismal history of Welsh independence. From the English point of view it seems impossible to blame Edward for resolving to incorporate the Principality. To the English Wales under native rule was a standing nuisance; while the country had shown no such capacity for self-government as to entitle her aspirations for independence to our sympathy. Autonomy would be dearly bought at the price of such an abiding condition of strife and bloodshed as Kymric annals disclose;[1] while their intestine feuds always reacted across the March. No people can insist on their abstract right to govern themselves unless they can show a course of scrupulous dealing towards their neighbours. The English may have been ready to take advantage of opportunities offered them, but the Welsh on the other hand lost no occasion of irritating and defying the English. The treaty of Conway conceded a quasi-independence to Gwynedd, to last during the life of Llewelyn, but no farther; and Edward was resolved to keep the Welsh to that term. He had treated the Prince with liberality so far as money went, but it is not clear that in other respects he gave him a fair trial. The treaty had provided that if Llewelyn had any claim to lay to lands outside the four cantreds,[2] justice should be rendered 'according to the laws and customs of the parts where the lands were situate.'[3] Questions under this stipulation soon began to arise. We have already noticed Llewelyn's complaint that he had been summoned to Montgomery to prefer a suit relating to land, and Edward's explanation.[4]

The Welsh Question.

Doubtful Conduct of the King.

[1] "Infausta gens Britonum nesciens in pace vitam agere"; Chron. Lanercost.

[2] See the proper text of the treaty given by Archbishop Peckham "in aliquibus terris extra quatuor cantredos"; *Reg. Peck.* 135. In *Fœdera* the treaty reads absurdly, "ex quatuor cantredis."

[3] *Fœdera*, I 545.

[4] 4 June, 1278; *Fœdera*, 547; above, 322.

A little later we find the King interfering, in polite language no doubt, but still interfering with significant 'requests' (*rogamus*) to the Prince as to matters pending between him, Llewelyn, and the Bishop of Bangor, and again between him and the Abbot of Basingwerk. The King then goes on to admit, in answer to a question as to the rules to govern legal proceedings, to settle disputes and controversies on the March, or in Wales, respectively, that he could not do otherwise than follow the precedents of his predecessors' reigns, or those of his own reign, adding, that the words of the treaty made it clear that disputes and controversies arising on the March must be settled by March law, and those arising in Wales must be settled by Welsh law, but always at times and places to be fixed by himself.[1] Unfortunately the proposal to submit the questions between Llewelyn and Gruffudd to settlement by the King's justices according to Welsh law was beset with difficulties. The English jurists declined to accept the Welsh customs as workable law. The judges, apparently, would have found themselves destitute of coercive jurisdiction, and reduced to the mere position of mediators, endeavouring to bring the parties to an agreement as to the murder fines (*saraad*), or other compensations to be paid on either side.

Welsh Laws for Welsh Suits Recognized.

Difficulty of Applying the Rule.

The English judges doubtless wanted to hang men in certain cases, but Welsh law apparently made no provision for hanging men. The question how far the King was bound by the words of the treaty was laid before the Privy Council, the Bishops also being consulted, and they agreed that the King could only be bound to accept such of the Welsh laws as had been recognized by his predecessors, and were reasonable and good in themselves.[2] Again we have the King's position in the matter defended and explained in a letter from Peckham to the Prince, in answer to an appeal from him to say whether the new position taken up by the King was not clearly contrary to the treaty. The Archbishop's best point is that the Welsh laws, the code of "Horlida" (*sic leg.* Howel

The Rule Explained Away.

[1] "Articulum autem pacis inter nos et vos initiæ, de quo litteræ vestræ mentionem faciebant, videlicet de placitis et controversiis in Marchia et Wallia audiendis et terminandis, aliter non intelligimus, nec intelligi potest, quam temporibus prædecessorum nostrorum Regum Angliæ, et temporibus nostris, semper hactenus usitatum extitit et consuetum. Nec etiam illud ex verbo pacis objici potest nisi quod controversiæ et contentiones motæ in Marchia secundum leges Marchiæ, et illæ quæ in Wallia oriuntur secundum leges Wallensium audiri et terminari debent, ad certos dies et loca qua nos ibidem partibus duxerimus præfigendos"; 14th July, 1278; *Fœdera*, 560.

[2] See the King's declaration that must have been made about this time. 7 Dep.-Keep. Report, Append. II 257.

Dha) [1] were barbarous, and rejected by many of the Welsh themselves, inasmuch as they provided no adequate penalty for such crimes as murder or arson. Shuffling appeals, however, are also made by the Archbishop to the coronation oath, as binding the King to put down all bad laws, and finally to the regard due to the customs of the King, 'whose will had the force of law.' [2] Finally, Peckham, expressing his belief that the King intends honestly to observe the treaty, urges the Prince to accept his reading of it.[3]

Archbishop Peckham defends the Evasion.

In vain the Princess Eleanor exerted herself to keep up a good understanding between her husband and her Royal cousin; [4] complaints and counter-complaints followed,[5] while finally on the 6th June, 1281, Edward formally notified the Prince that a Royal Commission had found by inquest what laws and customs either on the March, or in Wales, had obtained recognition under previous reigns, and that by those laws and customs—and, inferentially, by those alone—justice would be rendered as between him and Gruffudd.[6]

The Rule Abrogated.

On this tender question of native custom Edward had already trodden on the toes of the Welsh in another quarter. In 1279 he took the new counties of Carmarthen and Cardigan out of his brother's hands into his own, presumably to ensure stricter administration on the English plan.[7] It will be remembered that his efforts in the same direction in 1255 had provoked a rising,[8] and, in fact, "floated Llewelyn into wider principality." [9]

To Edward's action in overruling native customs, and requiring suit and service to be rendered to County Courts and Hundred Courts in the incorporate districts, the revolt that ensued was mainly attributed.[10]

There is no reason to suppose that rights of property were invaded on the present occasion; these were carefully safeguarded by the treaty.

[1] Cf. p. 475, where the name is rightly given.

[2] "Si standum est consuetudini . . . magis videtur legem facere consuetudo regis, cujus voluntas legis habet vigorem, quam consuetudo aliqua subditorum.' When Church rights were not in question Peckham could be courtly enough.

[3] 9 August, 1280; *Reg. Peckham*, 135.

[4] *Fœdera*, I 584.

[5] 7 D.K. Report, sup.

[6] *Fœdera*, 593.

[7] *Fœdera*, 576. Edmund received the Hundred of Warkworth in exchange.

[8] Above, 159. See also another alleged invasion of Welsh custom; *Reg. Peckh.* 249–251.

[9] Tout, *Political History*.

[10] "Wallenses . . . rebellabant pro eo precipue quia dominus rex statuerat in eorum finibus leges et consuetudines Anglicanas, et præceperat quod sequerentur comitatus et hundreda"; Dunst. 291.

Amauri de Montfort.

To the petitions for the liberation of the unfortunate Amauri de Montfort Edward gave in with great reluctance. Both Nicholas III and Martin IV addressed him on behalf of one who was numbered among their chaplains.[1] The Princess Eleanor implored the King 'with sighs and tears' to set her brother free.[2] Even when Peckham took the matter up, under orders from Rome, Edward remained stiff and unbending. Not till the Welsh had risen in arms did he give a tardy and reluctant consent. On the 21st April, 1282, at last Amauri, who had been for some time under the charge of the Primate, was brought to London and set free on condition of abjuring the realm.[3]

The Welsh Restive.

Under any circumstances it could hardly be expected that the Welsh would accept the new *régime* without another trial of strength, especially as they were said to have found comfort and hope in prophetic words of "Merlin," supposed to refer to the recent change of currency: 'When the token of exchange shall be split and the half made round—[then shall a Welsh Prince be crowned in London'].[4] The crisis, however, was precipitated by the wild action of David, who had been very ill treated by his brother, and very well treated by the King. Edward had knighted him, given him charge of Hope and Denbigh Castles, with lands valued at £1,000 a year, and married him to a kinswoman of his own, Elizabeth Ferrers, daughter of the ex-Earl of Derby, a Lusignan on the mother's side, and widow of John Marshal of Norton.[5] But Roger Clifford, Justiciar of North Wales, had ventured to hang one of David's men for an offence not considered hanging matter by Welsh custom, had cited David himself to his court in a suit relating to land, and had by the King's orders cut down some of David's woods to clear a highway.[6] This was more than he could stand. On the eve of Palm Sunday, 21st March, he fell by night on Hawarden Castle, put most of the garrison to the sword, and, dragging the offending Justiciar from his bed, carried him off badly wounded to the wilds of Snowdon.[7]

Outbreak of David, Brother of Llewelyn.

[1] February, 1280, and September, 1281; *Fœdera*, I 577, 578, 597. Nicholas III died 22 August, 1280. On the 22nd February, 1281, a Frenchman, Simon de Brie, was elected, and consecrated on the 23rd March, under the style of Martin IV; *Fœdera*, 590—H. Nicolas.

[2] *Fœdera*, 587; 18 October, 1280.

[3] 23rd April. See *Reg. Peckham*, I 256, 287, 297, 325, and the notarial protocol; *Fœdera*, 605.

[4] Ann. Waverley, 399; Worcester, 486; *Brut*, 371; Trevet, 300. In fact the coin was no longer split, but made round instead.

[5] Rishanger, 91; Trevet, 298; Dunst., 298; *National Dict.*

[6] Dunst. 291; and the letter cited *Reg. Peckham*, II lix.

[7] *Fœdera*, 603; Dunst. sup., Rishang. 97; Hemingb., II 9; and for the date Flor. C. II 225 and *Brut*, 373. The latter gives Hawarden under its Welsh name, Penharddlech.

Welsh Rising. The Welsh sprang to arms as one man. Llewelyn joined his brother, and in concert with him laid siege to Flint and Rhuddlan, ravaging the country up to the walls of Chester.[1] On the 25th March the Southern chieftains, Gruffudd son of Maredudd, and his cousin, Rhys son of Maelgwn the Little, attacked and destroyed the town and castle of Aberystwith. Further South Llandovery and Carregkennin were also taken by the Welsh. Rhys son of Maredudd, the lord of the vale of Towy, however, remained true to Edward; and, of course, so did Gruffudd son of Gwenwynwyn.[2]

Edward, who had gone to Devizes for Easter, was astounded, being quite unprepared for the rising.[3] But he lost not an hour in taking steps to check the movement. On the 25th March, commanders were appointed to take charge of the Marches, Gloucester being named Captain for South and West Wales, and Roger Mortimer for the middle March; the border counties were directed to send them their available forces to keep the rebels in check till a regular army could be raised.[4] The King's next step was to invoke the spiritual arm, calling on the Archbishops to excommunicate the rebels.[5] On the 5th April the King held a Council at Devizes, and next day writs were issued to 157 lay tenants, calling on them to meet at Worcester on the 17th May for an expedition to Wales. The wage-system had answered so well in the previous war that the King announces it at once, 'affectionately requesting' the magnates to come in 'his pay' (*ad vadia nostra*). At the same time 4,000 'quarrels' (crossbow-bolts) are ordered for a fleet to be equipped by the 'barons' of the Cinque Ports; while Jean de Greilly, the Seneschal of Gascony, is ordered to send over twelve mounted crossbow-men, and forty footmen of the same arm.[6]

Edward's Measures.

The reader will notice the modest strength of these reinforcements. The crossbow was still the favourite arm. A further supply of 40,000 bolts for the fleet became necessary later in the year; 24,000 were sent to Rhuddlan, while next year between natives and Gascons 240,000 rounds are accounted for. "Meanwhile a bare 16,000 arrows were issued."[7]

True to time the King came to Worcester to meet his men. Some 276 lances were produced with 7,000 foot.[8] By an easy transition the

[1] Dunst. sup.
[2] *Brut*, 373; Ann. Camb. 106, 107.
[3] Dunst. 292; *Itinerary*.
[4] *Parly. Writs*, I 222; Calendar Pat. R. 10 Ed. 15. For details see Morris, sup. 155.
[5] 1st April; *Reg. Peckham*, I 323, 324.
[6] *Parly. Writs*, 222–224; *Fœdera*, I 603, 604; J. E. Morris, sup. 74.
[7] Morris, sup. 91.
[8] Id. 159, 160, and the accounts there cited.

army assumed the shape of a Parliament, and fresh writs were issued to clergy and laity for a fuller muster, to meet at Rhuddlan on the 2nd August, but not at the King's pay. Men holding land to the value of £30 a year were required to provide themselves with a charger, or fine to be excused. Later a levy of 1,000 woodcutters to clear roads was called for, with an equal number of able-bodied men fit to bear arms, to be 'elected' in Lancashire,[1] but always at the King's wages.

A Parliament under Arms.

From Worcester the King himself moved northwards along the March to Chester, and in fact remained on the border, or in Welsh parts, directing affairs, till the end of the following year.[2] As during the last campaign the Courts of Exchequer and King's Bench were brought to Shrewsbury.[3]

Raising Money.

But money was not less wanted than men, and to the financial need the King gave equal attention. As a provisional measure his brother Edmund, who had been left in London to direct affairs in the Southern counties, was directed to lay an embargo on all money collected for the Papal Tenths for Holy Land.[4] In 1278 Edward had asked that this money should be assigned to himself; and Nicholas III had given a guarded consent for an advance of 25,000 marks, but only on condition that the King should take the Cross in person.[5] But Edward was not prepared to take the Cross. It was then suggested that the money should be given to Edmund, who was disposed to undertake the pilgrimage. But a final answer from the Pope had not yet been received,[6] and so the money was to be kept in hand. For an immediate supply advances to the amount of £11,700 were obtained from Italian merchants, as had already been frequently done; the Queen's possessions in Ponthieu were mortgaged;[7] while John Kirkby, afterwards Treasurer of the Exchequer and Bishop of Ely, was instructed to open private negotiations with counties, boroughs, and religious Houses, for 'Benevolences' (*pro bona voluntate Regis habenda*), under which the sum of £16,524 7*s.* 6*d.* was raised, the King promising that the money should reckon against any future subsidy.[8]

Papal Tenths.

Other Measures.

[1] *Parly. Writs*, I 225–228. Minor tenants were to be summoned by the sheriffs.

[2] *Itinerary*.

[3] Ann. Waverley, 398.

[4] 24th May; *Fœdera*, I 608.

[5] Id. 560.

[6] See the letters of Wickwane and Peckham to the Pope, August, September, 1280; *Northern Registers*, 63; and *Reg. Peckh.* 140; *Fœdera*, 607.

[7] Calendar Pat. 10 Edw. 17, 21, 33; *Parly. Writs*, I 385.

[8] *Parly. Writs*, I 384, 387; *Select Charters*, 450–454. For Ireland, *Parly. Writs*, 386. See also Flor. Cont. II 225, 226; Dunst. 294; and the sum of the War Account below.

The campaign began early in June, when Hope Castle was recovered, and the town of St. Asaph burnt down, cathedral and all.[1] A little later the Earl of Gloucester fought something like a pitched battle with the insurgents at Llandilo Fawr on the Towy. The Welsh were defeated, and their advance southwards checked. But the victory was not a bloodless one, as five men of rank fell on the English side, including young William of Valence, and Richard of Argentine.[2]

The Campaign.

Of the subsequent operations no connected account has been preserved, the Welsh apparently keeping on the defensive within their mountain recesses, the English endeavouring to hunt them down, and the Welsh retaliating savagely when and where they could, and giving no quarter. On the 19th of the month the hapless Princess Eleanor died after giving birth to a daughter, Gwenllian.[3]

On the 2nd August the King held his grand muster at Rhuddlan, the contingents being inspected by the Constable and Marshal, Bohun and Bigod, Earls of Hereford and Norfolk. The muster Rolls are extant, in duplicate, one for the Constable and one for the Marshal; and in them the utter breakdown of the old feudal military system stands revealed. High and low, great and small, are there, from the archbishop and the earl down to the holder of a fraction of a *feodum*. Service for 346 *feoda militum* is the grand total that is proffered. Of these, 132 fees are represented by a corresponding number of fully armed mounted men-at-arms; the holders of 93 fees are allowed to compound by producing two mounted *servientes* for one *miles*; while 121 fees, mostly those of churchmen, are cleared by 'fines,' i.e., scutages of extra amount. *Milites* and *servientes* together make up a total of 318 mounted men.[4] To these figures we should add the contingents of 67 tenants called out in the spring, whose names do not appear on Rhuddlan Muster Roll, whose force we took at 276 lances; making together in round numbers 600 men. Something also must be allowed for vacant sees and estates in hand. But even if we were to double the figures of the Worcester and Rhuddlan muster rolls, we should have to ask with amazement what had become of the 6,000 or 7,000 *feoda militum* we seemed to find a century

General Muster at Rhuddlan.

The Feoda Militum.

[1] Before 6th June; *Reg. Peckham*, I 367. The Archbishop defends the act as consonant to Welsh custom in war, "Justo prælio secundum modum præliandi in partibus Walliæ."

[2] 16th June, Ann. Camb. 106; Trevet. 304; Wykes, 289. Reinforcements for West Wales, and for Roger Mortimer at Montgomery were ordered on 2 July; *Parly. Writs*, I 227. For details see Morris, 161–173.

[3] Flor. C. II 226; Ann. Camb. 107.

[4] *Parly. Writs*, I 228.

before ?[1] It is just another case of the inevitable decay of assessments for taxation, if not revised from time to time. But either the laxity of the Crown granting remissions, or mediæval ingenuity in delegating or evading duties, must have been marvellous, if all the tenants in chivalry in England were no longer liable for more than 1,200 lances.[2] The former cause was doubtless the main one of the falling off. A few years later we find Edward accepting the paltry service of three men-at-arms as a sufficient render for all the vast Lancaster appanage of his brother Edmund. Till then he had not been assessed at all.[3] But if the military tenants had shuffled off their original liabilities, the King came down heavily on them for those that they did recognize. The churchmen apparently were made to pay at the rate of 40 marks or 50 marks for each man-at-arms short.[4] The original scutage was £1 the fee, representing, perhaps, 6*d*. a day pay for forty days. Of course the inadequate numbers of the feudal levies had to be supplemented by men in the King's pay. The comprehensive budget issued at the close of the war shows that the King had between 1,000 and 1,300 lances at his charges for 268 days, as we shall see.

With the institution of the system of paying soldiers Edward's Welsh wars must be held to mark a turning-point in our military history. From the Wardrobe Accounts of the year we find the footmen organized in little regiments of 100 men, subdivided into twenties, with a Twentyman (*vigintenarius*) over each Twenty, and a mounted Constable over the whole. The archers drew 2*d*. a day, the Twentymen 6*d*. a day, and the Constables 12*d*. a day; the latter sum was also the pay of a *scutifer* or man-at-arms not of knightly rank.[5]

As our earliest definite notice of the organization of English infantry in the field these facts are particularly interesting. Of course the arrangement might be very old, as indeed most things English were.

For the course of the war we are taken from the gathering in August

[1] But the most singular thing is that on the Pipe Rolls scutage for 6,000 to 7,000 feoda was still claimed—a mere recurrent entry of bad debts, such as crowd the membranes of these records. See Morris, sup. 36. For the actual number of fees still liable, see below, Financial Summary.

[2] All the prelates appeared except Canterbury (see Reg. Peckham, I 389). The largest contingent was that of the Bishop of Durham, who paid for 10 *milites*; the Bishop of Lincoln, who used to owe 60 fees, only proffers 5 fees. The Earls of Gloucester and Surrey return 11 fees; Lincoln, 7; Norfolk and Warwick, 5 each.

[3] Calendar, Pat. R. 20 Ed. I, p. 477.

[4] Flor. C. II 226. St. Edmunds paid £300, the Bishop of London paid 200 marks for five fees; but again we have 50 marks paid for one fee; Cal. Pat. R. 12, Ed. I, 107, 222.

[5] Chancery Miscell. Bundle 3, No. 18.

to the month of October, when, without any cessation of hostilities, Archbishop Peckham, as a solemn duty to his erring flock, came forward to urge the Welsh to submit. He points out the utter hopelessness of their situation; the King's position grows stronger day by day; if he should fail the Pope will be invoked to crush his enemies.[1] Peckham did but speak the truth. But his tone lacked the sympathy that wins confidence. He addresses himself to the Prince and his 'accomplices' (*complices*); treats them, most unjustly, as in the wrong throughout, and ends by telling them that they were worse than Saracens, as they refused to ransom captives. Llewelyn made a dignified answer, repelling Peckham's charges, and forwarding a bulky list of grievances, of which he, his brother, and a host of others had to complain. The violation of the treaty by the introduction of English law and procedure to govern strictly Welsh cases, and the intrusion of English Justices, not only in the counties of Cardigan and Carmarthen, but also into Anglesey, are the leading *gravamina*.

Peckham Mediating.

His Overtures Rejected.

But along with these we have complaints, given with a detail that inspires confidence, of disregard of the amnesty clauses of the treaty, and acts of oppression and injustice, brought home, not only to the King's officers, but to the King himself, such as the unheard-of exaction of Queen's Gold, not only on behalf of the Queen Consort, but even of the Queen Mother, in respect of bygone transactions. Some of the litigants had been to London for redress, but in vain. Ignoring the power and determination of the King, the Welsh argue the question with a pertinacity worthy of their countryman in Shakespeare's play.[2] Llewelyn will come to the peace, if the King will observe 'the true peace due to him and his subjects'; he will make amends, if amends are made to him.

Peckham then, as a last effort, paid a personal visit to the Prince at Garthcevyn, in the Snowdon district, to induce him to give the unconditional submission required by the King. In private the Archbishop assured the Prince that the English Barons were prepared to urge the King to allow Llewelyn to retire to England, on estates to be given to him, to the value of £1,000 a year, with the rank of an earl: David would be required to go on pilgrimage to Holy Land; but an outfit would be given to him. Both offers were rejected with scorn. Llewelyn would not come to court except under absolute guarantee; his people would not allow him to abdicate if he would.

[1] 21st October. *Reg. Peckham*, II 421, 435.

[2] See especially the protest of Llewelyn's subjects: 'He must not surrender the four cantrefs, which are of his Principality, which he and his ancestors have held from the time of Kamber, son of Brut, etc.'; *Reg. Peckham*, 469.

As for David, if he went on pilgrimage he would go to please God and not to please man.[1]

The war therefore had to be fought out to the bitter end. During the negotiations the Welsh had scored a casual success. Anglesey had been occupied by the foreign contingent under Luc de Tany, ex-Seneschal of Gascony, thus, as Edward was reported to have said, knocking the best feather out of Llewelyn's tail.[2] To facilitate operations against the mainland a bridge of boats had been thrown across the Menai Straits at Moel-y-Don, the narrowest point of the channel, about midway between Carnarvon and Bangor.[3] But the work had not been finished, not, at any rate, so as to span the whole expanse of water at high tide, only the channel left when the tide was out. On the 6th of November Luc crossed the bridge at low water, to reconnoitre the Welsh positions on the opposite shore. By the time that he had effected his *reconnaissance* the waters had risen, cutting him off from his bridge. The Welsh then fell on him and overwhelmed him and most of his party, including a large proportion of men of name, two of them own brothers of the Chancellor, Bishop Burnel.[4]

A Welsh Success.

But great as Edward's difficulties were, his firmness remained unbroken. Fresh troops were called for. The military tenants of Wilts, Dorset, Somerset and Devon were requested to turn out again for a muster at Carmarthen. Commissioners were appointed to impress 3,000 men, and writs issued for a Parliament to meet in January, 1283, to vote supplies.[5]

Edward Undismayed.

Whether driven by need, or encouraged by the discomfiture of de Tany, Llewelyn, leaving his brother in the hills, came down for a last wild raid through the South. After devastating the estates on the lower Towy of Rhys son of Maredudd, who held with Edward, he turned towards the Mortimer estates on the upper Wye.[6] On reaching the southern bank of a stream formerly known as the Orewin, and now as the Chwefri, whose waters join the Wye just above Builth, he found himself confronted at a bridge, known as Pont Orewin, by Edmund Mortimer[7] and John Giffard of Bromfield. Leaving the bulk of his men on a hill he sent a party down to hold the bridge-end. While the two forces were

Last Raid of Llewelyn.

[1] November 11–14; *Reg. Peck.* II 465–473.

[2] "Pulchriorem pennam totius caudæ"; Hemingb.

[3] E. Parry, *Cambrian Mirror*, 156, 197; Lewis, *Topog. Dicty.*

[4] Dunst. sup. Wykes, 290; Hemingb., II 10; Trevet, 305.

[5] *Parly. Writs*, I 10, 244, 245; *Fœdera*, I 619.

[6] Trevet, 304.

[7] Roger Mortimer died on the 25th October, and was succeeded by his son Edmund; but the command on the Middle March was given to Roger L'Estrange; *Parly. Writs*, I 243.

watching each other across the river, neither caring to attack, one Hely Walwayn led a party of the English round to a ford, and took the Welsh at the bridge-end in the rear. Llewelyn, who was resting in a neighbouring grange at "Thaulmeyr," made off to join his men on the hill, but was pursued and speared to death. The English then crossed the bridge and attacked the hill; after a stiff fight the Welsh were defeated and scattered. When all was over Llewelyn's corpse was examined and recognized; the head was cut off and sent to the King at Rhuddlan.[1]

His End.

Edward made the most of the grisly trophy. He sent it first to gladden the eyes of his dispirited troops in Anglesey; it was then brought to London, received by the citizens with exultation, and carried through the streets ivy-crowned, in mock fulfilment of the Merlin prophecy, to be finally set up at the Tower. The body was ultimately allowed to rest in Cwm Hir Abbey.[2]

The Parliament summoned by the King in December duly met on the 20th January, 1283. Under the circumstances of the war it was thought inexpedient to call the lieges to meet all in one place; both clergy and laity therefore were directed to meet in Provincial assemblies, the one for Canterbury at Northampton, and the other for the Northern Province at York. The lay assemblies included four Knights from each shire, with all freeholders holding more than a Knight's fee, and two representatives from each city, borough, or market town. The Barons might be supposed to be in the field with the King; but their assent to a money grant might be considered of less importance, as their demesne lands were not liable to direct taxation. The clerical assemblies were attended by the heads of the religious Houses, and proctors of the cathedral clergy, but not by any representatives of the parochial clergy.[3] The laity agreed to give a Thirtieth; but the clergy, pleading the Fifteenth to the King, and the Crusade Tenths to the Pope, by which they were still hampered, declined to make any further grant.[4] Twice recalled to reconsider their refusal, the Canterbury clergy at the end of the year agreed to

Parliament.

Money Grants.

[1] Friday, 11th December. See Hemingburgh, II 11–13, the only account, and for the date Ann. Camb. 107; Trevet, 305; *Reg. Peckham*, II 478, 489. For the site see the old map reprinted by Rhys and Brynmor Jones, comparing the Ordnance map. Cwm Llywelyn and Cefn-bedd mark the spots where the Prince fell and was buried, near the present village of Llanganten. The Ann. Camb. place the action at Llanyre on the river Ithon, and the Dunstable Annals talk of Cwm Hir Abbey, nine miles off, both clearly wrong.

[2] Flor. Cont. II 227; Ann. Wav. 398; M. Westm. III 57. "Edera vizt yvi coronatum"; B.M. MS. Addl. 5444, f. 93b; cited Pauli; Annal. London, 90.

[3] *Parly. Writs*, I 10; *Reg. Peckham*, II 486.

[4] Dunstable, 295; Worcester, 487.

a Thirtieth.[1] The Northern Province eventually agreed to give a Tenth for two years.[2] In the writs for the collection of the Thirtieth the King orders credit to be given for all advances made through John Kirkby.[3]

A False Step.

In his need for money Edward took a false step, that he was forced to retrace. He had ordered an embargo to be laid on the money collected for the Crusade Tenths, pending the Pope's answer to his petition; and Martin's last word was that nothing could be given to him unless he went in person.[4] Edward in a fury seized the whole.[5] But the Papacy had not yet sunk so low as to submit to such an outrage, and the King had to restore the money.[6]

David as Prince of Wales.

The death of Llewelyn was a grievous blow to the Welsh, but it did not crush their spirit. David III put himself forward as his brother's successor, and Edward had to provide for a continuance of the war through the summer. On the 14th March military tenants in moderate numbers were called to meet at Montgomery and Carmarthen on the 2nd May, to be backed up by levies of 5,000 light armed foot. This arm was coming into prominence, as the one clearly best suited for guerilla warfare in a hilly country.[7] At last on the 28th June Edward was able to proclaim to the country the glad news that David the arch-traitor, David the exile, whom he had fostered and protected, had been delivered into his hands.[8] With every defensible stronghold taken, he had been wandering from refuge to refuge, till he was taken, on the 21st June, by some of his own countrymen attached to the King's interest, and brought to Rhuddlan. His wife and a legitimate son were taken with him, also a natural son and several natural daughters.[9] Edward refused to see him, and, while announcing his capture, summoned a Parliament to meet at Shrewsbury on the 30th September 'to consider his case,'

He is Taken Prisoner.

[1] *Parly. Writs*, I 12–14; *Reg. Peckham*, II 524, 536, 594; Worcester, 488; Hemingburgh, II 14. The Continuator of Florence (Everisden) has a Twentieth, II 231; so too Trevet. The Cistercians and Premonstratensians were exempted as usual.

[2] Cal. Pat. R. 13 Ed. I, 151, 177.

[3] See *Parly. Writs*, II 11–14; Dunst. sup. and generally *Select Charters*, 450–459. All persons having goods to the value of 6*s.* 8*d.* were to be taxed, including 'villeins'; *Parly Writs*, 387.

[4] 8th January, 1283, *Fœdera*, I 624.

[5] 28th March, Flor. C. II 229.

[6] *Fœdera*, I 631; *Reg. Peckham*, II 565, 635, 638.

[7] *Parly. Writs*, I 245, 248.

[8] *Fœdera*, 620.

[9] Flor. Cont. II 229; Dunst. 298; Wav. 400; Osney-Wykes, 292; Trevet, 307. Calendar Pat. R. 11 Ed. 71.

i.e. to sit on him as a High Court of Justice, just as the Witenagemot would have sat on a state prisoner in old Saxon days. His condemnation followed as a matter of course. On Saturday, the 2nd October,[1] he suffered a traitor's doom, being drawn by horses to the place of execution, hung, beheaded, and quartered. His head was sent to be set up at the Tower, with that of his brother; his quarters were distributed between Winchester, Northampton, Chester and York. One faithful attendant, his steward, suffered with him.[2]

Executed for High Treason.

David had no valid title to be treated as an independent potentate; the treaty of Conway provided that the principality should cease with the death of his brother. "He had never been really accepted even by his own people." All that he otherwise had he had of the King's gift, and as his subject. His unwarranted rising had occasioned the whole war. Nevertheless a natural "halo of poetry" soon gathered round the fallen Princes. Bards sang their elegies.[3] Towards Edward, on the other hand, the bitterness of feeling was intense.

> "Ruin seize thee, ruthless King,
> Confusion on thy banners wait;
> Though fanned by conquest's crimson wing
> They mock the air with idle state."[4]

The appendix to this chapter gives interesting details of the cost of the war and the number of men employed. In twenty months, from the 22nd March, 1282, to the 2nd November, 1283, the large sum of £101,153 2*s.* 5*d.* was paid into the Wardrobe for the credit of the military chest,[5] but the sum actually expended only amounted to £89,248 10*s.*

With respect to the native men-at-arms, if all had been *scutiferi*, at 1 shilling a day pay, and presumably as much more for extra pay, the amount expended would imply nearly 1,300 men for 268 days. But as the *milites* and *baneretti* would receive double and quadruple pay, the number would be considerably less, say 1,000 men. But if many of the *milites* were commuted for mounted *servientes* at the rate of two for one the number would be greater than 1,300. The reader will see the difficulties with which the matter is beset. At the same rates of pay the Gascon *scutiferi* would number about 174. The sum spent on the native footsoldiers at 2*d.* a day would imply a force of 5,000 men on foot from April, 1282, to the end of October,

[1] Given as 3rd October.
[2] Flor. C. Osney-Wykes, sup.
[3] See Prof. Tout's Article in the *Natl. Dicty.*
[4] T. Gray, *Elegy.*
[5] For this see Append. to Chap. xxxii.

1283, if kept on continuously. But in fact we find that the numbers fluctuated from week to week, now 3,360, now 4,420, and then again as many as 8,180.[1] But 5,000 would be the average force. There was also a small force of horse-archers besides.

APPENDIX TO CHAPTER XX

WELSH CAMPAIGN, 1282–4. WARDROBE ACCOUNT. PAYMENTS

Printed by Sir H. Ellis, Append. to J. of Oxnead (Rolls Series No. 13). From Chancellor's Roll No. 84.

	£ s. d.	£ s. d.
Native men-at-arms—wages from 7th April to 31st December, 1282	17,686 14 0	
Native men-at-arms—extra pay for good service and loss of horses	17,067 15 11	
		34,754 9 11
Gascon men-at-arms—wages from 24th June to 30th November, 1282	3,334 15 7	
Gascon men-at-arms—wages to 4th August following	4,283 7 3	
		7,618 2 10
Horse archers from 6th December, 1282, to 31st October, 1283		979 17 0
Foot soldiers, archers, spearmen, and cross-bows, with their constables and twenty-men. In garrison and in the field at various times		24,730 9 3
Horses and transport service		5,422 14 9
Fortifications at Chester, Hope, Rhuddlan, Conway, Carnarvon, Crukyn, Hadet, etc., and in West Wales		15,538 19 11
Small sundries		203 16 11
Total Expenditure		£89,248 10 0

[1] So the detailed pay-sheets cited by Mr. Morris (without reference), p. 174.

CHAPTER XXI

EDWARD I (*continued*)

A.D. 1283–1289.

Settlement of Wales—Foreign Relations—Navarre—France—Castile—Arragon—Sicily—"Sicilian Vespers"—Domestic Legislation—Statutes of Winchester and Westminster the Second—Jurisdiction of Ecclesiastical Courts defined—Visit of King to France—Final Settlement under Treaty of Paris—Mediation between Arragon and Sicily—Treaties of Oleron and Canfranc—Relations with Papacy—Grants of Tenths—Return to England.

THE Parliament summoned to condemn David was also called upon to give its sanction to an important piece of mercantile legislation.

Legislation.

The English law till then knew of no process by which personal property could be made available as security for debts. By the statute *De Mercatoribus*, now passed, merchants were empowered to recover the amount of any debt acknowledged in writing by the debtor in the presence of either of the Mayors of London, York, or Bristol; or before any clerk authorized by the King to take such recognizances; the amount to be levied by the sale of the debtor's goods, and, failing these, by imprisonment of his person. In case of the imprisonment of the debtor the creditor to be bound to supply him with bread and water.[1]

Trade Debts.

The settlement of Wales furnished occupation for the King during the rest of the year 1283 and on to Christmas, 1284. Gwenllian, the infant daughter of Llewelyn, was sent to live and die in a nunnery; David's daughters shared the same fate; while his sons were imprisoned at Bristol.[2]

At Carnarvon among the treasures of the Princes of Wales were found the bones of Constantine, father of Constantine the Great; the crown of King Arthur; and a veritable fragment of the True Cross, known as the Rood of St. Neot, or in Welsh 'Crosnaith.'[3] Aberystwith was rebuilt; and

Spoils of War.

[1] Statutes of Realm, I 53. The Statute was commonly known as the Statute of Acton Burnel; the Parliament summoned to meet at Shrewsbury having been held at that place. To judge by the preamble, the Act would seem to have been in fact a mere ordinance in council, and Stubbs considers that it was nothing more. "Le rey par lui e par sun conseil ad ordine e establi," etc.

[2] *Fœdera*, I 712; *National Dicty.*; Pauli, III 28.

[3] Waverley, 401; Trevet, 307; M. Westm. III 59.

impregnable fortresses were established at Carnarvon and Conway. To furnish a site for the last the Cistercian monastery was transplanted to the Palatinate of Chester, to be refounded under the name of Vale Royal.[1] Minor forts at Dalwyddelen (near Llanrwst), Bere, Harlech and Criccieth[2] made up a stony belt round Snowdon.

Settlement of Wales.

The subjugation of Wales, however, would have been very imperfect without the introduction of English principles of law, and the English system of administration. On the 19th March, 1284, a code of laws for the Principality was published by the King as a Royal Ordinance.[3] The essential features of the scheme are the rearrangement of the Northern parts of the country under the counties of Flint, Anglesey, Carnarvon, and Merioneth; the last three, representing Gwynedd, are subjected to the jurisdiction of a Justiciar of Snowdon, while Flint is placed under the Justiciar of Chester; for these four counties, and the existing counties of Cardigan and Carmarthen, sheriffs, coroners, and bailiffs are also instituted. The rest of the country is left to be administered as franchises, under English or Welsh laws, with another Justiciar for West Wales.[4] For the administration of justice the sheriff is required to hold a 'tourn' in each commote,' at which all freeholders and others holding land and residing in the 'commote' must present themselves 'except clerks Men of Religion and women.' All attending the 'tourn' must be sworn to 'present' all known offenders. As in England, the counties are allowed to elect their own coroners (s. 5); pleas of debt under 40*s.* in value may be tried in the county court, above that sum they must be referred to the 'Justiciar of Snowdon' or the Justices in Eyre (s. 6). The writs of Novel Disseisin, Mort d'Ancestor and the like are made applicable to Welsh cases.

English Judicial and Administrative System.

Another novelty is the law of Dower, till then said to be unknown (s. 12). In the law of inheritance Edward indulged the Welsh with the retention of the custom of equal division among males, excluding however bastards, who, till then, had been allowed to participate (s. 13). Further, at the express request of the Welsh, compurgation was retained for suits relating to contracts and chattels, in cases where direct evidence might not be forthcoming. But this indulgence was not extended to criminal cases. Special Rolls for Wales (Rotuli Walliæ) had been started during the first war; and now a special

[1] Ann. Camb. 108; Trevet, 308. Numerous benefactions to the new abbey appear on the Patent Rolls.

[2] Tout, *Polit. Hist.* III 166.

[3] Statutes, I 55. The Act makes no reference to any consent of Parliament. It is dated at Rhuddlan.

[4] Statutes, I 55. See Rhys and B. Jones, 345–347.

Welsh exchequer was established at Chester.[1] The Act gives a compendious and instructive view of the ordinary course of justice in England at the time, and is well worthy of consideration from that point of view.

Repairing Damages.

Towards those of the Welsh clergy who had not taken an active part against him Edward showed himself liberal. Anian, Bishop of St. Asaph, however, who had refused to excommunicate Llewelyn, was for a time kept out of his diocese.[2] The Pope was induced to grant absolution for all deeds involving sacrilege, on condition, of course, of confession and repentance. Orders were given for replacing church furniture, and substantial sums were paid out of the Exchequer to make good the losses of the clergy.[3] The birth of a son at Carnarvon (25th April, 1284) enabled the King to present the Welsh with a native-born Prince. He had an elder brother Alphonso. But the death of the latter on the 19th August shortly made little Edward heir to the Throne.[4]

Edward the Referee of Europe.

The conquest of Wales must have added not a little to the European reputation of the King, already very high. Throughout the year (1284) we find all Christendom hastening to bespeak his favour. Philip of Savoy refers to the King of England the delicate task of naming the rightful successor to his dominions.[5] Eric of Norway begs for a ratification of the treaty signed by his father Magnus with Henry III.[6] Edward's good offices are requested to settle disputes between Brabant and Gueldres, between Holland and Gueldres.[7] But bigger questions than these were agitating Europe.

His Foreign Policy.

Edward had been most careful in cultivating foreign connexions and alliances. His policy had by no means been a merely Insular policy. At the vacancy in the Imperial throne caused by the death of his uncle, he had at first seemed inclined to support the shadowy pretensions of his brother-in-law Alphonso; but accepting the election of Rudolph of Hapsburg,[8] as an accomplished fact, he promptly opened negotiations for marrying his infant daughter

[1] See Statutes of Realm, I 55. The Ann. Cambriæ speaks of English weights and measures as introduced.

[2] *Reg. Peckham*, II 495, 705.

[3] *Fœdera*, I 641–644. Archbishop Peckham was active in the matter, and exerted himself to restore the shattered fabric of the Church in Wales; see *Reg. Peckham*, II 705–743.

[4] Waverley, 401; Dunstable, 313; Osney, 295. The title of Prince of Wales was not conferred till 1301.

[5] *Fœdera*, 641, 649.

[6] Id. 640, 645.

[7] Id. 639–649. A marriage between Margaret of Holland and Alphonso had been contracted just a week before the latter died.

[8] Crowned King of the Romans at Aix-la-Chapelle, October, 1273.

Matrimonial Alliances.

Jeanne to Rudolph's son Hartmann; the arrangements were actively prosecuted till cut short by the death of the intended bridegroom (1283).[1] Treaties, likewise doomed to be abortive, had already been opened for alliances between the King's eldest daughter and the heir of Arragon; and between the King's son Henry and Jeanne of Navarre, as already mentioned.[2] In January, 1279, a connexion of more happy future between Edward's daughter Margaret and John, son of John, Duke of Brabant, was proposed.[3] Finally, only a week before the death of young Alphonso, his hand had been pledged to a daughter of Florence, Count of Holland.[4]

In the troubled relations of France with Castile, Edward, as the brother-in-law of the one King, and the cousin of the other King, felt deeply interested. The custody of the little Jeanne, who by the death of her father King Henry (July, 1274) became heiress of Navarre, Champagne and Brie, became one bone of contention between the two Kings. Jeanne had been engaged to Edward's son Henry, but he died in October, 1274, and Jeanne's mother, a French princess, Blanche of Artois, carried her to Philip's court to be eventually married to his son and successor, Philip IV;[5] while Blanche herself came over to England to marry Edmund of Lancaster.[6] As Jeanne's guardian Philip at once took possession of her dominions. But the tyranny of his officers, who refused to recognize Navarrese *fueros*, provoked a rising, which received underhand support from Castile, but was forcibly put down by a French army under Robert II of Artois, Jeanne's uncle (Sept. 1276). But in the meantime another cause of difference between Philip and Alphonso had cropped up, in connexion with the succession to Castile. By the old law of the country the nearer heir was always preferred to the more remote, the son to the grandson, the brother to the nephew. Ferdinand, styled de la Cerda, eldest son of Alphonso, had married Blanche, sister of Philip, under a special stipulation that their issue should succeed in priority to his younger brother Sancho and his issue, whether he, Ferdinand, should survive his father or not. Ferdinand died in 1275, and then the Cortes, overruling the previous arrangements, declared Sancho, a man of ability and the practical ruler of the Kingdom, heir to the throne. Philip at once

France and Castile.

Succession of Navarre.

Succession to Castile.

[1] *Fœdera*, I 536, 545–557, 635.
[2] *Fœdera*, 508.
[3] Calendar Pat. R. 7 Ed. I. 299.
[4] *Fœdera*, I 645.
[5] Martin, *France*, IV 356–358.
[6] 1276; Flor. C. II 216; *Fœdera*, I 535.

The Infantes de la Cerda.

took up the cause of his nephews, known as the *Infantes de la Cerda*, and led out a second army to attack Castile through Navarre. But his measures were so hastily taken, and his forces so ill found, that he never reached the Pyrenees, his march being arrested at Sauveterre,[1] at the passage of the Gave d'Oleron. He was glad to retire under cover of a truce, signed by his lieutenant, Robert of Artois. To his rashness on this occasion he owed his *sobriquet* of "Le Hardi."

"Philippe le Hardi."

> "En Espagne et à Sauveterre
> Alla le Roi folie querre (querir)." [2]

With the Welsh war impending Edward could not intervene at the time.[3] When domestic peace was restored, he exerted himself to bring about a meeting in Gascony between the two Kings, to settle their differences. In his unavoidable absence he commissioned William of Valence to negotiate; and at his instance Alphonso consented to sign a truce (26 Nov. 1279).[4] The year 1280 was wholly taken up with arrangements for the proposed meeting, the Prince of Salerno, son of King Charles of Sicily, being named as arbiter.[5] But the negotiations were hollow, each hoping for the support of Arragon. In January, 1281, Peter III of Arragon, whose sister Isabel was married to Philip, had a meeting with him at Toulouse.[6] But Peter nourished schemes incompatible with a French alliance. In the veins of his wife Constantia, daughter of the gallant Manfred, "lingered the last drops of Suabian blood." Sicily had drunk of the cup of French tyranny till she could drink no more. The national party organized by John of Procida, "the indefatigable missionary of revolt," looked to Arragon for help and leading. During the year (1281) the arsenals of Valentia and Barcelona rang with preparations for war. Stores and munitions were accumulated, as for some momentous enterprise. France and England enquired what it all meant.[7] At last, from the coast of Barbary, on a pretended Crusade, Peter divulged his plans to the English King.[8] The well laid mine went off at last, a little prematurely perhaps, but very effectually. On Easter Monday, 30th March, 1282, "the whole discontent of Sicily exploded with terrific force." In the rising known as the Sicilian Vespers the whole French population at Palermo was

Edward Mediating.

Arragon and Sicily.

The "Sicilian Vespers."

[1] Hautes Pyrénées.
[2] 1276. See Martin, *France*, IV 356–359; Lavisse, *France*, III 111, 112.
[3] *Lettres de Rois*, I 185; Westm. III 48.
[4] *Fœdera*, I 375, 376.
[5] *Fœdera*, 583–588.
[6] Lavisse, sup. 113.
[7] Pauli, III 38.
[8] *Fœdera*, I 613, 1282.

massacred; not a soul escaped. On the 30th August Peter and his armada landed at Trapani; on the 2nd of October the French fleet was crushed by Roger di Loria, and "the independence of Sicily was assured." But a war of twenty years was needed to complete the severance of the Island from Naples.[1]

Peter of Arragon King of Sicily.

Edward had planned a visit to the Continent earlier in the year (*Reg. Peckham*), but was again prevented by the war in Wales. Being summoned later by Philip to render assistance as his vassal for Gascony, he could only direct John of Greilly, the Seneschal, to give such help as might be prudent.[2]

The quarrel between Peter and Charles of Anjou took a singular turn, the two kings proposing to settle their differences "in knightly fashion" by a duel to be fought at Bordeaux with one hundred knights a-side. The 1st June, 1283, was named as the day, and Edward was requested to preside as umpire.[3] Martin IV was prompt to inhibit the preposterous suggestion; but Edward's good sense had already condemned it.[4]

A Royal Duel Suggested.

With such movements in course of development Edward deemed it prudent to stand well at the diplomatic centre of the Western world. On the 7th July, 1284, he pays up two years of the Papal rent; later he assigns pensions of 60 marks a year to Cardinal Matthew, of 50 marks to Cardinal James, of 20 marks to the Papal Notary, Master Albert.[5]

With the spring of 1285 we again hear of an intended visit to France, a formal invitation having been received from Philip.[6] Welsh affairs had been disposed of, the settlement ending with a quiet Christmas at Bristol, and so the King was free. From Bristol, however, he felt bound to go in the first instance on thanksgiving pilgrimage to St. Edmund's, taking the Queen and three daughters with him.[7] Then the capital had to be visited, Edward not having shown his face there for more than three years. On the 30th April he entered London in state, the precious Rood of St. Neot being carried before him, to be solemnly presented four days later to the nuns of St. Helen's.[8]

As late as the 4th June the visit to France still seemed to be contemplated, as on that day Aylmer de Valence was appointed Warden

[1] See Gibbon, chapter 62; Milman, b. xi, chap. 5; Pauli, III 38; Kitchin, *France*.

[2] *Fœdera*, 612; 21st July.

[3] 28th December, 1282; *Fœdera*, I 621.

[4] 25th March, 1283; *Fœdera*, 626, 628.

[5] *Fœdera*, 638, 644, 648, 649.

[6] *Fœdera*, 652; cnf. Osney, 300.

[7] Flor. C. II 234; *Itinerary*.

[8] Ann. Wav. 402; Dunst. 317; Westm, III 363; Annal. Lond. 93.

Trip to France Postponed.

of the Realm (*Custos*) to act during the King's intended absence.[1] But nothing more is heard of the proposed trip. The project was dropped, doubtless on account of the series of changes that had come over the Continental scene. On the 7th January Charles of Anjou had died of fury and despair at a succession of reverses.[2] On the 28th March his main prop, Martin IV, who had excommunicated and deposed Peter of Arragon for invading a fief claimed by the Holy See, passed away also,[3] while Philip had crossed the Pyrenees, on Crusade against Arragon, in a desperate attempt to give effect to the gracious grant of the Crown made by Martin to his second son, Charles of Valois.[4] As a meeting with Philip was out of the question, Edward stayed at home, and gave his attention to domestic legislation.

Legislation.

On the 28th June the well known "Statute of Westminster the Second" was published, and on the 8th October the "Statute of Winchester." Both exhibit the King's anxiety for legal Reform and the suppression of the crimes of violence that fill the membranes of our public Records.[5] The Statute of Winchester, after requiring proclamations for the observance of the peace to be made in all public meetings, county courts, Hundred Courts, March Days, fairs and the like, proceeds to extend the principle of *murdrum*, by making the Hundred liable for all robberies and damages committed within its limits, unless the guilty be brought to justice within forty days. Compensation under this provision was recovered in quite recent times. In other respects the Statute may be considered "of archæological interest only," being a consolidation of the existing regulations of Watch and Ward, and the Assize of Arms: the gates of walled towns to be closed from sunset to sunrise; watch to be kept in all towns, by suitable numbers of men, from sunset to sunrise from Ascension Day to Michaelmas;[6] highways between market and borough towns to be cleared of underwood to a width of 200 yards on each side of the way; every man from fifteen years of age to sixty to be sworn to keep by him the arms required by the Assize; the highest class, those worth £15 a year in land or 40 marks (£26 13*s.* 4*d.*) in goods, to have a hauberk (*halibergeum*), skull-cap,

Statute of Winchester.

[1] *Fœdera*, 656.

[2] Pauli, III 40; Martin, IV 379, and authorities there cited.

[3] H. Nicolas; Wav. 402. On the 2nd April Cardinal Giacomo Savelli was elected, and crowned, on the 4th or 6th May, as Honorius IV; H. Nicolas.

[4] For the grant of Arragon to young Charles of Valois see *Fœdera*, I 632, 639–649; Martin, IV 377–382; Lavisse, III 113. Philip III died of dysentery and fever at Perpignan at the close of the campaign, 5th October. Peter III, too, died of the war, 11th November (1285).

[5] See the Calendar of Patent Rolls, *passim*.

[6] "Del jour de la Ascencium deques le jour Saint Michel."

spear, dagger, and horse; men worth £10 a year in land and 20 marks in goods to have the same equipment *minus* the horse; those who can afford no more to have bow and arrows. 'Views of arms' to be held in each Hundred and Franchise twice a year.[1]

Statute of Westminster the Second.

The Statute of Westminster the Second, or 13 Edward I, is a much more living Act, and the basis of many important points in Real Property Law. Like the Statute of Westminster the First "it is a Code in itself."[2] Among the subjects dealt with in its fifty sections we may notice Replevin, Dower, Advowsons, Guardian and Ward, Waste, Infants' Suits by Next Friend, Writs of Fieri Facias and Elegit, Debts of Intestates, etc., etc. The Act also seeks to adjust the delicate rights of Mesne Lords, as between the Superior Lord and the Tenant in Possession, a question finally settled by a subsequent Act. It provides a close time for salmon in all the rivers of England; it supplements the provisions of the Mortmain Act, already evaded by collusive 'Recoveries' and other devices.[3] But the great section of the Act is the first, "*De Donis Conditionalibus*," on which the law of 'entail' to this day rests. By a judicial finesse the old power of protecting landed property from alienation had, in great measure, been swept away. The grant of land to 'A. B. and the heirs of his body' had come to be construed, not as conferring an estate strictly limited to pass from A. B. to his descendants as long as any such existed, but as giving an estate to A. B. *upon condition* of having issue; so that if A. B. fulfilled the condition, by having issue born alive, he had it in his power, by taking certain steps, to bar his issue, and all others interested in reversion or remainder, so as to acquire the fee simple absolute. The Act forbids this interpretation for the future, requiring such gifts to be construed 'according to the intention of the grantor, as expressed in the words of the deed.'[4] From this time onwards therefore a conveyance to a man and the heirs of his body was no longer construed as conferring "a fee simple conditional," but "an estate tail," "*feodum talliatum*," that is a 'bound,' or 'tied down,' or 'settled' fee, one that the holder could not alienate beyond the term of his own life.[5]

Clause "De Donis."

[1] Statutes, I 96–98, in French; also given with a translation, *Select Charters*, 459–462.

[2] Statutes, I 71–95.

[3] As the Act de Religiosis forbade the *acquisition* of land by churchmen, a churchman to whom it was desired to convey lands brought a fictitious action against the intending vendor or grantor for the *recovery* of the lands; the grantor allowed judgment to pass against him by default, and the desired conveyance was effected. These "Common Recoveries," as they were termed, played a most important part in the history of English conveyancing till the year 1833.

[4] "Secundum formam doni in carta expressam."

[5] Blackstone's explanation of the term *talliatum* (which comes from the French *taillier*, to tie down) is quite wrong.

To the legislation of the year 1285 should be added the decision of the contest that had so long been pending as to the jurisdiction of the Ecclesiastical Courts.[1] The points at issue had been skilfully argued by the Chancellor on the one side, and by the Archbishops on the other side.[2] In the course of the year the King issued the writ *Circumspecte agatis*, a regulation that, though a writ and nothing more, has been allowed to pass as a statute. It recognizes the authority of the Ecclesiastical Courts in matters merely spiritual, "such as offences for which penance was due, tithes, mortuaries, churches and churchyards, injuries done to clerks, perjury and defamation." Matrimonial suits and the probate of Wills were also allotted to the 'Courts Christian,' the construction of Wills being reserved for the lay Courts.[3]

Ecclesiastical Jurisdiction Settled.

In May, 1286, the thrice deferred visit to France at last took place; not now to mediate between Philip III and Alphonso X, or between Peter III and Charles of Anjou—all these personages had passed away[4]—but nevertheless to endeavour to settle the animosities bequeathed by them to their successors. Young Philip IV had renewed his father's invitation to Edward, sending over an embassy under the Duke of Burgundy and Maurice de Crouin. They were received in state in Parliament at Westminster, where Edward's plans were discussed and settled.[5]

Visit to France.

Altered Scope of the Mediation.

On the 13th May Edward sailed from Dover with the Queen, his brother Edmund, the Chancellor, and a brilliant following.[6] At Amiens they were received by the newly crowned King of France, Philippe le Bel,[7] a cool, handsome lad of seventeen, destined to emerge as "conqueror on a field on which so many had failed, the tamer of the Papacy."[8] On the 5th June Edward duly did homage for all the lands that he held of Philip oversea, 'according to the treaty between our ancestors.' But this recognition was only conceded under protest on the ground that the cessions

Homage to Philip IV.

[1] Dunstable, 317, 318; Westm. III 63; Flor. Cont. II 235; B. Cotton, 166.

[2] For points in contention see *Reg. Peckham*, II 417, 523, 567, 705, etc.

[3] See Statutes, I 101, the Writ *Circumspecte*, however, being undated; Wilkins' *Conc.* II 115; *Northern Registers*, 70–78; Stubbs, *Const. H.* II 123.

[4] Alphonso died in 1284; Peter of Arragon, 11th November, 1285.

[5] Flor. C. II 236; Wav. 403. For preliminary communications between Edward and the new Kings, Sancho IV of Castile, and Alphonso III of Arragon, see *Fœdera*, 662–665.

[6] *Fœdera*, 665. The Earl of Cornwall was left as acting Regent; Wav. 404; Cal. Pat. R. 14 Ed. 248. For the King's retinue, a perfect army, see Id. 233, 238–241. For journey money Edward apparently borrowed 9,700 marks from Papal Crusade Tenths deposited in various abbeys, £8,000 from the Papal collector himself, and 5,000 marks deposited at the Hospital of St. John; Id. 233, 244.

[7] Crowned 6th January, 1286; Martin, IV 383. [8] Kitchin, *France*, 354.

agreed to by the treaty of Paris had not been fully carried out, and on the honourable understanding that the deficiencies would be made good by Philip.[1]

France being hampered by the enduring war with Arragon, 'where the people had been more encouraged by the death of old Philip than disheartened by that of their own king,' young Philip, though dissatisfied with the homage rendered by Edward,[2] was obliged to make concessions. It would seem that Edward had taken alarm at the sweeping jurisdiction exercised by the French 'Parliaments.' At his request Philip made him the amazing grant, that, during his life, no decision given in the French King's Court against Edward, his seneschals or lieutenants, on appeal from Aquitaine, should involve any penalty, fine, or forfeiture, the French King, Philip, for himself and his heirs, freely remitting anything that might accrue to him or them; while, on the other hand, all decisions in favour of the English King, his seneschals or lieutenants, would be fully enforced.[3] On the interminable question of the cessions under the treaty of Paris a satisfactory compromise was at last effected. Philip ceded the territory in Saintonge 'beyond,' i.e. to the South of the Charente; while Edward accepted a rent of 3,000 *livres Tournois* (£750 sterling) per annum in exchange for the claims lying within the diocese of Cahors.[4]

Concessions by France,

Saintonge, South of the Charente.

Edward, on the other hand, was not neglectful of his mediatorial mission. Both France and Arragon wished for peace. The French demanded the liberation of the Prince of Salerno, now by rights Charles II of Naples, who had been captured at sea by Roger di Loria, the Arragonese admiral (5 June, 1284). They also wanted the surrender of the Infantes de la Cerda, who were also detained in Arragon. The Arragonese were anxious for the ratification of the Will of the late Peter, under which one son, Alfonso, became King of Arragon, and another son, James (Jayme), became King of Sicily. Alphonso also wanted to get from Philip a renunciation of the Crown of Arragon conferred by Martin IV on his, Philip's, brother, Charles of Valois.[5] Both Kings had authorized Edward to negotiate a truce. But the Papacy stood in the way. The new

France, Arragon and Sicily.

[1] "Je devient vostre home des terres que jeo tenuz de vous de cea la meer selonc la fourme de la pees que fut faite entre noz ancestres"; *Fœdera*, 672.

[2] *Lettres de Rois*, I 342, Champollion-Figeac.

[3] June, *Fœdera*, 665.

[4] August, *Fœdera*, 672. It will be remembered that the lands claimed were conquests made by Richard I, and assigned by him to his sister, the Countess of Toulouse, which lands had eventually escheated to the Crown of France, at the death of Alphonse, Count of Toulouse, the brother of Louis IX.

[5] *Fœdera*, 632–639.

The Papacy Forbidding Peace. Pope, Honorius IV, was as bitter against 'the enemy of the Church' as his predecessor, and forbad any truce or terms with Arragon. He even quashed the engagement of Alphonso to Edward's daughter.[1]

From Paris Edward went down to Gascony, paying a visit to Pontigny on the way.[2] At Christmas, being at Bordeaux, it would seem that he entertained ambassadors instructed to discuss possible terms of peace, France, however, not being represented.[3] In the month of July (1287) he managed to have a personal meeting with Alphonso at Oleron in Béarn. Papal envoys were there, who had been accredited by Honorius, but, as he was no more, their powers had expired. Ten days the conferences lasted, the time being divided between dancing, tilting, and diplomacy.[4] On the 25th of the month a treaty was signed, which Edward and Alphonso fondly hoped might be accepted. A general truce for three years to be proclaimed; Alphonso to release the Prince of Salerno, on condition that the latter should, within the three years, procure the concurrence of the Church of Rome, Philip, and his brother Charles in a treaty of peace, recognizing Alphonso as King of Arragon, and his brother as King of Sicily. Failing the execution of such a treaty the Prince either to replace himself in his captor's hands, or to forfeit his county of Provence.[5] As guarantees for the performance of one or other of these alternatives, the Prince to deliver to Alphonso his three eldest sons as hostages, with sixty sons of the chief men of Provence; and also to deposit a sum of 50,000 marks, 30,000 in cash and 20,000 in securities, the latter to be guaranteed by the King of England.[6]

Treaty of Oleron.

The Papacy at the time was vacant, but the presence of Papal envoys, specially noticed in the treaty, might seem to give a tacit sanction to the arrangement. The new Pope, however, Nicholas IV, when elected, immediately rejected it, insisting on the unconditional liberation of 'his dear son in Christ, Charles.'[7] The Papacy still would be content with nothing short of an absolute victory.

Papal Veto.

[1] *Fœdera*, 664–674.

[2] *Itinerary*.

[3] De Nangis, *Bouquet*, XX 571.

[4] Muntaner Chronica, C. 166. "La festa dura be X jorns"; Zurita, IV ch. 92. Pauli; Wav. 406. Honorius died 3 April 1287.

[5] The Prince's father, Charles of Anjou, had acquired Provence through his marriage with Beatrice, sister of the three Queens of France, England and Rome. Beatrice became a fourth Queen when her husband became King of Naples.

[6] *Fœdera*, I 677.

[7] 15 March, 1288; *Fœdera*, 681. Jeronimo, General of the Franciscans, a man of humble origin, was elected Pope on the 15th February, and crowned on

Under these circumstances the King of England was urged to find some other means of releasing the Prince. The demand for the recognition of James as King of Sicily was dropped.[1] "In that cause Alphonso himself had grown cool." To secure the personal presence of Charles, and his full and free acceptance of the terms offered, Edward went into Arragon.[2] On the 28th October, 1288, a new treaty was sealed at Canfranc in the Pyrenees by Alphonso, Edward, and the Prince. Nothing was said about the Kingdom of Sicily; while the whole burden of paying the price of the liberation of his cousin was undertaken in the most chivalrous manner by Edward: he deposited 23,000 marks in cash, with contingent obligations that might run up to a total of 70,000 marks (£46,666 13*s.* 4*d.*); he produced the requisite hostages from among his own subjects, with the Earl of Lincoln, John of Brittany, and Gaston of Béarn at their head. On his part Charles again pledged himself to procure peace from the Church of Rome, Philip IV, and Charles of Valois. He swore that if the peace was not agreed to he would return to his prison.[3] On these terms he was set free;[4] presented himself to the Pope at Reate, and was crowned King of Sicily and Naples, a direct violation, if not of the words, certainly of the spirit, of the treaty. "For the whole of the dominions claimed by the House of Anjou he did homage and swore fealty to the Pope." Having obtained the desired liberation of Charles the Lame, Nicholas quashed the treaty by which it was gained; anathematized Alphonso for demanding such terms, and even threatened the King of England with an Interdict if, as guarantor of the treaty, he should enforce its penalties. A more "monstrous exercise" of the dispensing power was never flaunted in the face of Christendom."[5]

Treaty of Canfranc.

quashed by the Papacy.

Edward refused to be relieved of his engagements,[6] but he could do no more. He could not afford to quarrel with the Papacy, having for years been pressing for grants of the money collected, or to be collected, from Crusade Tenths within his dominions. Successive Popes had been willing to entertain his petitions, but always on the imperative condition, not only of an assumption of the Cross, but of the *bona fide* prosecution of the pil-

Edward and the Papacy.

the 22nd or 23rd February, 1288, under the style of Nicholas IV. On the 23rd February he announces his accession to Edward; *Fœdera*, 680. He was the first Franciscan to become Pope, and was also a good Greek and Latin scholar; Wav. 407.

[1] See Edward's disclaimer; *Fœdera*, 685.

[2] Id. and 686, 687.

[3] See the treaty with the voluminous ancillary documents, *Fœdera*, 687–704. Eighty-two hostages were delivered; p. 690.

[4] November; Raynaldi, Baronius, XXIII. 29, 31.

[5] Milman, XI, ch. 5; Martin, IV 386; Kitchin, *France*; Raynaldi, sup. 31–37.

[6] 31 August, 1289; *Fœdera*, 712.

grimage. On these terms in May, 1284, Martin IV had expressed a willingness to grant, not only the money in hand from the six years' Tenths already collected, but even three years more of the same.[1] In April, 1285, Honorius IV declined to go beyond the grants of his predecessor; but in June of the following year, yielding to Edward's instances, he agreed to grant six extra years of Tenths in addition to those already raised, but always on the usual conditions.[2]

Conditional Grants of Tenths.

It is impossible to suppose that Edward ever honestly contemplated a second journey to Palestine. But in February, 1287, on recovering from an attack of illness at Blanquefort in the Gironde, he once more took the Cross.[3] The King having gone so far in the way of part-performance Nicholas IV made a corresponding step in advance to meet him, not only renewing the previous grants, but fixing the times at which the money might be paid to Edward. The collection of the fresh Tenths would begin forthwith; but the proceeds would not be handed over till the King had actually embarked, the money in hand to be delivered to him half at Midsummer, 1290, and half at Midsummer, 1291; but still on condition of making an actual start by Midsummer, 1292; and under a solemn pledge to refund the whole, if, through his own neglect or default, he should fail to start then. If his passage should be interfered with by a 'legitimate impediment,' he would be allowed to retain from the Tenths half the amount expended in actual preparations.[4]

By subsequent Bulls the grant was confirmed, and orders given for a new and more stringent assessment of Church property. This valuation, known as the Taxation of Pope Nicholas, was carried out by Papal commissioners in 1291, and became the official rate-book of the Church of England[5] down to the reign of Henry VIII.

Taxation of Pope Nicholas.

Edward remained abroad watching the course of events till the 12th August, 1289, when he landed at Dover.[6] His return was being loudly called for. At a Parliament held in February, John Kirkby, now Bishop of Ely and Treasurer, had ventured to ask for a subsidy, no grant having been made since the

The King Returns to England.

[1] See *Fœdera*, I 560, 610, 631, 642.

[2] 17 June, 1286, and again 15 March, 1287, the latter Bull apparently issued before hearing that Edward had again taken the Cross.

[3] Waverley, 404; Westminster, III 65; *Itinerary*.

[4] February–October, 1289; *Fœdera*, 705, 714.

[5] 10 January and 14 May, 1290; *Fœdera*, 725, 733. For the Taxation itself see the print, Record Comm. The total incomes of the clergy are given by Bishop Stubbs, *Const. Hist.* II 581, as amounting to £210,644 9*s.* 9*d.* In round numbers the Canterbury Tenth yielded £16,000, and the York Tenth £4,000.

[6] *Fœd.* 711.

Thirtieth for the Welsh War in 1283. The Earl of Gloucester, "now betrothed to Edward's daughter," declared in the name of the Barons that they would give nothing till they saw their King face to face.[1] But the King's need was very real. On the day of his landing he acknowledges owing the Ricardi of Lucca £107,784 for advances made, some to himself abroad, and some to the Government at home.[2]

[1] Wykes, 316.
[2] Calend. Pat. R. 318.

CHAPTER XXII

EDWARD I (*continued*)

A.D. 1287–1290.

Domestic Affairs in the King's absence—Rising in South Wales—Return of the King—Punishment of Judges for Malversation—Parliaments—Statute of *Quia Emptores*—Expulsion of Jews from England—Grants of subsidies by Laity and Clergy—Deaths of Margaret of Scotland (Maid of Norway) and Queen Eleanor of Castile.

At home, except in one instance, the Earl of Cornwall, as the King's *locum tenens*—he had not been appointed Regent, and never signed as such—had no serious trouble to contend with. The harvests had been abundant.[1] But the winters 1286–1287 and 1287–1288 were marked by disastrous floods, and inroads of the sea, damaging the coasts from the Thames to the Humber.[2] The one trouble of the period was an outbreak in Wales, not formidable in itself, but naturally alarming to one in Edmund's position. Rhys, son of Maredudd, had sided with Edward in both the last wars, and had been liberally rewarded.[3] Possibly he may have dreamed of refounding the Southern kingdom of his ancestors on the ruins of the House of Gwynedd. Even before Edward had sheathed his sword in 1283 he had assumed airs of independence, refusing to take seisin at the hands of the King's officers for the very estates conferred upon him by the King, and pretending to instal himself of his own authority. Edward revoked the grants till Rhys had made his submission.[4] Nothing, however, could reconcile him to the humiliation of rendering suit and service to the new King's courts of the County and Hundred.[5] Profiting by the King's absence, on Sunday, 8 June, 1287, he rose and captured the hapless castles of Llandovery and Carrigcennen; after that he burned Swansea, and ravaged most

Bountiful Harvests.

Winter Floods.

Welsh Rising.

Rhys ap Maredudd.

[1] So from 1286 to 1289. In 1287 and 1288 wheat averaged 2*s.* 10*d.* and 3*s.* the quarter; Rogers' *Prices*, I 190, 228; "lower than in any harvest in the period contained in these volumes." In 1290 wheat rose to 6*s.* 5*d.* the quarter.

[2] See Flor. Cont. II 237–239; Wykes, 308, 311, 313; Worcester, 493, 495; Dunstable, 338.

[3] *Brut*, 367; Ann. Camb. 107.

[4] *Fœdera*, I 634.

[5] Dunst. 338; Wykes, 310.

of the country from Carmarthen to Aberystwith.[1] The Earl of Cornwall, naturally taking a serious view of the affair, at once summoned 118 military tenants to meet at Gloucester on the 15th July.[2] In the course of June and July he called for levies of foot soldiers and labourers to the tune of nearly 10,000 men,[3] larger forces than he could possibly have employed if they had ever met together. But the Wardrobe Accounts of the late war give us an inkling of what these levies would come to. Picked detachments of a few scores, out of the thousands called for, would be taken on, perhaps for a few days, as wanted, and then paid off and sent home. As need arose fresh squads would be engaged from time to time. As for the operations, the castles were soon recovered. The only place apparently that stood a siege was Rhys' own castle of Dryslwyn, the keeping of which, in the chivalrous way of the times, had been committed by Rhys to his wife, while he himself kept safely at large. The place was taken by mining operations; but the tunnel fell in prematurely, and overwhelmed a party of English who had gone in to inspect the works, including William of Montchensy and Gerald de Lisle.[4] But Edmund never got within reach of his impalpable adversary; and, about Michaelmas, Gloucester and other March lords, whose hearts were not wholly in the work, forced the Earl to sign a truce, the result of which was that by November Rhys was up again, and able to re-establish himself in a fort spoken of as 'New Castle on the Teify' (? Towy).[5] The work of reduction, however, this time was left to Robert Tiptoft, the Justiciar of West Wales. By the beginning of February (1288) the fort was recovered, but Rhys again managed to escape, to find a shelter in Ireland, it was said, on the Gloucester estates.[6]

Vigorous Measures.

Reduction of Castles.

A Truce.

Escape of Rhys.

With respect to the disposition shown by Gilbert and other great Barons in these affairs, apart from the general irritation caused by the *Quo Warranto* proceedings, men with large estates in Wales, that hitherto had been administered entirely by themselves, could not view with entire satisfaction the introduction of the Royal English system; they were also

Attitude of the March Lords.

[1] Ann. Camb. 109; Ann. Worcest. 493.

[2] 14 June; *Parl. Writs*, I 250.

[3] Ib.

[4] Wav. 405; Wykes, sup.; Worcest. 494; Ann. Camb. sup.; Trevet, 315.

[5] "Castrum super Teyvi . . . quod dicitur Novum Castrum"; Ann. Camb. 110.

[6] Id.; Wykes, 311; *Parl. Writs*, I 253–255. Rhys returned to Wales in 1292, was caught, and hung at York; Flor. C. II 240; and so ended "the last of the lords of Dynevor"; Tout.

probably jealous of Cornwall's position.[1] The personal relations of the Earl of Gloucester, however, to the King at this time ought to have been cordial, as Gilbert, having obtained a formal divorce from Alais de Lusignan, was about to be married to Edward's daughter, Jeanne, or Joan of Acre.[2]

But in the absence of the King the Government could not be otherwise than weak. In July, 1288, a number of gentlemen (*armigeri*) held a tournament (*burdice*) at Boston, during St. Botulph's fair, one of the contending parties being comically habited as monks, the other as canons. The sport was wound up by a sack of the fair, in the course of which a good part of the town was burnt down, including the Black Friars' Church. The ringleader, one Thomas Chamberlain, was identified and hung, but he refused to disclose the names of any of his accomplices.[3]

"Fair of Boston."

The frequent occurrence of tournaments,[4] forbidden by the Church, and by most previous Kings of England, is a remarkable circumstance, clearly due to the King's countenance and patronage of such encounters. In July, 1284, as if there had not been fighting enough in the field, to celebrate his victory over Llewelyn, he held a grand Round Table at Nefyn, on the coast of the Carnarvon peninsula. Foreigners of distinction had been brought over to take part in the proceedings.[5]

Frequency of Tournaments.

With such encouragement given to mock warfare and military display, it is not surprising to hear that the Government had to warn the great Earls of the illegality of riding through the country, or holding meetings, in arms, or privately settling differences between themselves by the arbitrament of the sword.[6] The warnings had to be renewed a year later, when we hear of a state of things verging on private war between Gloucester and Hereford, Earl Gilbert being engaged with a party of armed men building a castle on land at Abergavenny belonging to Bohun.[7] This matter was taken up by the King within ten days of his return to England, the sheriffs being ordered to report the names of all who had been guilty of riding or holding meetings in arms.[8]

Riding in Arms.

Another matter that was pressed on the King's immediate notice was the alleged misconduct of the Judges. In this matter "the

[1] See the declaration obtained from Cornwall by the Earl of Norfolk that his rights as Marshal would not suffer through taking orders from the *locum tenens*; *Fœdera*, I 679.

[2] See *Fœdera*, 628, 654; Green, *Princesses*, II 327.

[3] 26 July, Flor. C. II 240; Trevet, 315; Hemingb. II 17.

[4] See Ann. Dunstable, *passim*. Almost every year one is recorded.

[5] Wav. 402; Dunst. 313; *Itinerary*, July 27–30.

[6] August, 1288; *Fœdera*, 685.

[7] May, June, 1289; *Fœdera*, 709, 710.

[8] Id. 711; 21 August, 1289.

absence of the Chancellor had been even more mischievous than that of his master." [1]

Movements of the King and Queen.

On the 12th October the King and Queen, who had landed two months before, entered London, the interval having been devoted to a progress through East Anglia, and visits to the shrines at Canterbury, Bury and Walsingham.[2] On the very next day after the King's return to Westminster proclamation was made that all who had any complaints to make of the conduct of the King's officers, during his absence, should forthwith lay the same before a special commission, appointed to sit in London.[3]

Judges Brought to Justice.

As the result of their investigations Thomas of Weyland, Chief Justice of the Common Pleas, was presented by a jury on a charge of having instigated a murder, and sheltered the perpetrator. Having been apprehended he made his escape, and took sanctuary at Babwell, by Bury, with the Minorites. The charitable Friars, taking up his cause, admitted him to the habit of a novice. He was a married man, but pleaded that before marriage he had been in subdeacon's Orders.

A Chief Justice in Sanctuary.

The incidents of Sanctuary, that "picturesque episode of mediæval justice," to which the reader was treated in the case of Hubert de Burgh, were now repeated, step by step. For the requisite forty days the Sanctuary, i.e., the whole monastic premises, were guarded by a posse of armed men, victual being allowed to be introduced; but when the forty days had expired, all further supply was cut off. The Friars, yielding to hunger, abandoned their house, all but three or four 'veterans,' who stayed on awhile with Weyland. The latter, however, finding that his frock would not protect him, 'especially as he had no victual,' resumed his secular garb, and surrendered to Robert Malet, the officer in charge, by whom he was taken to the Tower. His case was brought before Parliament in January (1290), and he was given his choice, either of standing trial by his peers, or submitting to imprisonment for life, or abjuring the realm. He chose the latter alternative. Barefooted, bareheaded, crucifix in hand, he walked from his prison to Dover, and there took ship, retiring to Ireland, the never-failing refuge of those in trouble. All his property, real and personal, valued at 100,000 marks, was forfeited to the Crown.[4] A whole bench of judges

He Abjures the Realm.

[1] Dunst. 355; Stubbs.

[2] Flor. C. II 240; Dunst. sup.; J. Oxnead, 273; *Itinerary.*

[3] *Fœdera*, 715.

[4] Dunstable, 355, 356; B. Cotton, 172, 173; Oxnead, 173; Foss, II 171; Abbrev. Rot. Orig. I 61, 63. Weyland had property in Ireland. For rights of Sanctuary cnf. Statutes, I 57; *Northern Registers*, 77. The Abbot of Dunstable was in London on business at the time, and so learned all the facts. Weyland paid the Friars handsomely for their protection; Foss.

were also removed and fined, the King evidently making the most of his opportunity. Ralph of Hengham, Chief Justice of the King's Bench, a man who must have been almost supreme during the King's absence, was dismissed, the only offence clearly brought home to him being that of falsifying an entry of a small fine on the Rolls, lowering the sum, out of pity for a poor man. According to a well-preserved tradition of the legal profession his fine, 2,000 marks,[1] provided funds for setting up the first great clock and clock tower at Westminster. His offence cannot have been very heinous, as ten years later he begins to reappear as a Judge.[2] Eleven other Justices and officials of the Exchequer suffered fines, varying from 1,000 marks to 4,000 marks each, one man, Adam of Stratton, being subjected to entire forfeiture.[3] The amazing hoard of £12,650 was found in Stratton's house and, of course, confiscated.[4]

Punishments of Others.

The year 1290 proved to be one of eventful interest. In the ebb and flow of human affairs, sessions of Parliament and useful legislation will be found alternating with Royal marriages and Royal deaths, one of the latter involving fateful consequences.

Parliament.

The first Parliament of the year, meeting in January, and extending its sittings into February, was taken up with the trials of the Judges.[5] The King, who, apparently, never stayed a night at Westminster, except for business, came back to London for the marriage of his second surviving daughter, Jeanne, or Joan of Acre, wedded to the Earl of Gloucester (30 April).[6] The Lady, now nineteen years old, had been originally affianced to the late Hartmann of Hapsburgh; but he had died. Earl Gilbert had been married in his youth to Alais de Lusignan, daughter of Guy, Count of Angoulême. Separated from her in 1271,[7] he had subsequently obtained a formal divorce, and Papal sanction for his remarriage.[8] In contemplation of the event Edward obliged the Earl to surrender all his estates, for regrant and settlement upon himself and his issue by Joan, as an entail under the Statute *De Donis*; at the same time taking from him an oath to maintain the succession of young Edward

Marriage of Joan of Acre.

Earl of Gloucester.

[1] Pell Receipt Roll, Easter, 18 Ed. I.

[2] Foss, II 40, 362. Hengham's name appears on the Roll of the very next Parliament.

[3] Foss, 40–43. The fines given by the chroniclers are greatly exaggerated, as usual. For details, and the proceedings in several cases see *State Trials*, Ed. I (Camden Society, 1905).

[4] Wardrobe Account, Pipe Roll, 21 Ed. I, 26.

[5] The King signs at Westminster 1 January–20 February.

[6] Dunstable, 358; Worcester, 502; Flor. C. II 242; Green, *Princesses*, II 330.

[7] Flor. C. II 206.

[8] See *Fœdera*, I 628, 654, 721; A.D. 1283–1289.

of Carnarvon, and that of any other son that the King might have, as well as that of the elder daughter Aliénore, in priority to Jeanne and her issue.[1]

Parliament.

Whitmonday (22 May) saw the meeting of another Parliament at Westminster.[2] The King thought himself fairly entitled to call for the Aid *pur fille marier*. Jeanne was not his eldest daughter, but she was the first to be married. At the proper rate of £1 the Knight's fee the King could levy the Aid of his own authority; but, as he proposed to raise the rate, the Barons had to be consulted. On the 29th May Edward announced that the Aid had been granted at the rate of 40s. the Knight's fee.[3] But with the falling off in the numbers of the taxable fees that we traced in connexion with the Rhuddlan Muster Roll, the amount would be trivial; perhaps £2,000 in all, while the King on landing in August had acknowledged an indebtedness of £107,784 to Italian merchants, as already mentioned.[4] Being intent on obtaining a more general contribution, the King suspended the collection of the petty Aid,[5] and issued writs to the Sheriffs ordering them to return two Knights from each shire to meet at Westminster on the 15th July, 'to give their advice and consent as to certain matters to be ordained by the Barons.'[6]

Grant of an Aid.

County Members Summoned.

To the discussions held between the King and the Barons in the Whitsun session may be attributed the framing of the celebrated Statute known from its opening words as *Quia Emptores*, that and the cognate Statute *De Donis* being the two most enduring monuments of Edward's legislative work. "*Quia Emptores*," known also as the Statute of Westminster the Third, is one of the most important Acts in our Statute book. In the first place it assured to owners of estates in fee simple the free right of disposing of their property by conveyance operating *inter vivos*—the full right of testamentary disposition was not acquired till long afterwards. Since the Magna Carta of 1217, at any rate, the rights of disposition enjoyed by landowners had been under a "somewhat vague restraint," imposed by the 39th section of that Act, which forbad free men to part with more land than would suffice

"Quia Emptores," or Statute of Westminster the Third.

[1] 17 April; *Fœdera*, 742; Dugdale, *Baronage*, I 214, 215; Lords' Rept. I 205; Stubbs, *C. H.* II 126.

[2] Dunst. 360. The King was at Westminster, 21 May–20 June; *Itinerary*.

[3] Rot. Parl. I 25; Parl. Writs, I 20. For private business transacted see Rot. Parl. 14–44.

[4] Calendar Pat. R. 17 Ed. 318. As the Italians were invested with the collection of subsidies as well as Customs there would, of course, be cross accounts to set off.

[5] The Aid was not collected till 1302; Stubbs, *Select Charters*, 465.

[6] 14 June, *Parl. Writs*, I 21; *Select Charters*, 467.

to answer the services due to the lord.[1] But the alienation that did take place was, for the most part, effected by 'subinfeudation,' under which process the alienee took the land to hold of the alienor, as his immediate superior; a fresh "rung" being thus added at the bottom of the feudal ladder, whereby the rights of the overlords were obscured and imperilled. The protection of these rights was the main object that the authors of *Quia Emptores* had in view. It abolishes subinfeudation, but recognizes the free right of alienation of land to the full extent of the vendor's interest therein, or any less interest; but always, 'so that the feoffee do hold of the superior lord of whom the feoffor held, and by the same services and customs.'[2] For tenants in chief, however, the King's licence for alienation would still be requisite. Whatever the views of the Magnates at whose instance the Statute was expressed to be passed, the measure proved a great boon to the community, facilitating transfers of land, stopping the creation of new manors, and "stereotyping" tenures and the incidents of tenure. The Act was apparently given to the public on the 8th July,[3] when all the chivalry of England had been summoned to London, to assist at another Royal wedding, namely, that celebrated on that day between the King's third daughter, Marguerite, and John, son of John I, Duke of Brabant.[4] The proceedings were carried to the utmost lengths of mediæval pomp. The Duke brought eighty knights and sixty ladies in his train. But Gloucester and the King's brother, Edmund of Lancaster, could parade 100 Knights and sixty ladies each, and other magnates in proportion. Three court suits a day were required of all. Minstrels, harpists, acrobats and buffoons, some native, some foreign, appeared in hundreds, to be duly applauded and rewarded.[5]

Alienation of Land Freed.

Marriage of Margaret to John of Brabant.

The Parliament summoned to meet at Westminster on the 15th July, apparently, could not be brought to the desired point all at once. London would be getting hot and uncomfortable, and so the session was adjourned, to meet about the 19th September, at Clipstone in Sherwood Forest,[6] pleasant summer quarters.

[1] *Select Charters*, 337. See on this disputed question Pollock and Maitland, *Hist. Eng. Law*, I 310–320.

[2] "Ita quod feoffatus teneat terram illam seu tenementum de eodem capitali domino et per eadem servitia et consuetudines per quæ feoffator suus illa prius tenuit"; Statutes, I 106.

[3] Statutes, I 166; *Select Charters*, 468.

[4] So the Wardrobe Account of 18 Ed. I, cited by Mrs. Green, *Princesses*, II 370. The chroniclers give the 9th August, a Sunday, that would be a more usual day. Probably it was the day of the chief festivities.

[5] B. Cotton, 177; Green, sup.

[6] *Itinerary*. On the 21st June the King left Westminster and went to Harrow.

To allay the irritation caused by the *Quo Warranto* proceedings the King had already published some modifications of the original Statute of Gloucester.[1] Still further to conciliate popularity Edward now issued an edict requiring all the Jews in England to leave the country by the 1st of November.[2] He had already expelled them from his foreign possessions, namely in 1288, as a complementary act of devotion, when he took the Cross for the second time.[3] John and Henry III had treated the Jews as royal game, to be fattened and killed in due course. Edward, reverting to the precedents of Richard's reign, treated them in a spirit of fanatical intolerance, as mere enemies of the Cross. Expulsion had been threatened in one of the first orders issued by him after his coronation, when full payment of all arrears of their tallages was demanded.[4] We have noticed the cruel severity with which they were treated for supposed tamperings with the currency in 1278 and 1279. Edward no doubt was as deeply interested in the conversion of the Jews as his father had been. He thought their retention of their faith a stigma to Christianity.[5] But the work made no progress, naturally, because 'by law and custom' all the goods of a converted Jew were forfeit to the King. Edward, conscious of the absurdity of the rule, declared that he would allow half the proceeds of such forfeitures, together with the issues of the poll tax (*chefage*) of 3*d.* payable by each Israelite, to be applied to the endowment of the *Domus Conversorum* in Chancery Lane.[6] It was doubtless for resistance to his efforts for their conversion that in May, 1287, by Edward's orders, he being abroad, all the Jews in England were arrested, and only liberated on payment of a collective fine of 20,000 marks (£1,333 6*s.* 8*d.*).[7] Their numbers must have dwindled through such continuous persecution;[8] and, in fact, their ultimate extinction or expulsion was involved in the Act forbidding them to lend money, the only livelihood really open to them.[9] The final order, however, was understood to have been

Expulsion of Jews from England.

Previous Treatment Leading Thereto.

[1] Dunst. 360, 361; Hemingb. II 20; Statutes I, 107. Edward agreed to respect all rights dating before the 1st of Richard I.

[2] *Fœdera*, I 736. Westm. III 70; Hemingb. II 20; "Per Regem et secretum concilium."

[3] Trevet, 314.

[4] 20 October, 1274; *Fœdera*, I 518.

[5] See his regulations for the *Domus Conversorum; Fœdera*, 582.

[6] 3 June, 1280; *Fœdera*, sup.

[7] Flor. C. II 238; Osney, 308; Ann. Lond. 96; Chron. London (Aungier), 21; Pell Receipt R. No. 609.

[8] The receipts from the Jewry for two years, 1278–1280, only came to £228 11*s.* 2*d.*; Chancellor's Roll, Oxnead, Append. 328.

[9] In his regulations for the *Domus*, Edward suggests tuition, as a course open to converted Jews; "doctrinam . . . ministeria scholaria"; *Fœdera*, sup. Medicine also might be open to them.

The Queen Mother.

issued at the instance of the Queen Mother, a persistent enemy of the Hebrew persuasion.[1] For the King's credit it must be stated that regard for the safe-conduct that he gave them was strictly enforced, and that mariners who ventured to plunder were severely punished.[2]

Thanksgiving Grants.

The spirits of the nation having been exhilarated by the prospect of riddance from the hated Jews (so all the chroniclers) the Clipstone Parliament came to the desired point, namely, money. On the 22nd September the King was able to announce that the higher clergy had granted a Fifteenth of their temporalities, and that the Barons and others had conceded the same contribution from the general community.[3] On the 2nd October Archbishop Peckham held a Synod or Convocation at Ely, when the lower clergy granted a Tenth of spirituals for one year.[4] The Convocation of York granted the like Tenth in December.[5]

Fifteenth from Laity.

Tenths from Canterbury and York.

The collection of these grants began in February, 1291, and within the next three years brought in the prodigious sum of £116,603; namely £111,087 from the Fifteenth and £5,516 from the Tenths.[6] But we are told that the Fifteenth was levied with extreme severity,[7] so that the proceeds could not be taken as normal. On the other hand, as we have seen, the King owed nearly as much to the Riccardi of Lucca alone. No wonder that he kept pressing the Pope for money, while Nicholas, clinging desperately to the hope of another Crusade, kept enlarging the term for his sailing.[8]

Death of Margaret of Scotland (Maid of Norway).

The deaths above foreshadowed yet remain to be recorded. In September little Margaret, the granddaughter and sole surviving descendant of the late Alexander III of Scotland, the heiress of his throne, just betrothed to Edward's son, died on her way to England. The question of the Scottish succession, thus suddenly opened up, fell on the world like a clap of thunder.[9] We are told that Edward was intending to make his

[1] Wav. 409; Flor. C. II 215; Cal. Pat. R. 10–18 Ed. 62, 350.

[2] Osney, 327; Hemingb. II 21, 22, and note Hamilton. I pay no attention to the numbers of the exiled, 17,511, given by Oxnead, 277. For the Jews in England generally see W. Tovey, *Anglia Judaica*, 1738; Jacobs, *Jews of Angevin England*; and for a brilliant survey of the causes of their unpopularity, B. L. Abraham, *Expulsion of Jews* (Arnold Prize Essay, 1894).

[3] *Parly. Writs*, I 24; Dunst. 360, 362; Osney, 326; Flor. C. II 343. A further session was held at Clipstone, 13–30 October; Rot. Parl. 45–65; *Itinerary*.

[4] Flor. sup.; Oxnead, 277.

[5] Wilkins, *Conc.* II 170.

[6] Pell Receipt Rolls.

[7] B. Cotton, 182.

[8] See *Fœdera*, 746, 747, and Edward's letter from Clipstone of the 25th October.

[9] See the letter of William Fraser, Bishop of St. Andrew's, to Edward, dated Leuchars, 7 October; *Fœdera*, 741.

way forthwith to Scotland, to assert his position. But from his Michaelmas Parliament at Clipstone [1] he was summoned to Harby in Notts, by the alarming reports of the state of the Queen, who had been suffering from low fever, and at Harby she died on the 28th November.[2]

Death of Queen Eleanor.

Of Eleanor (Aliénora) of Castile as a model of wifely fidelity and devotion, a charming picture is given to us. She was probably as well-beloved a Queen as ever filled a throne. In her, we are told, 'strife ever found a peacemaker, the oppressed protection, and the distressed sympathy.' [3] To his friend the Abbot of Cluny the King writes, "In life I loved her dearly, nor can I cease to love her in death." [4] Eleven children at least had she borne to Edward, of whom seven survived her. Her motherly feelings were sorely tried when the King, at the instigation of his mother, condemned her little daughter Marie, a helpless offering, not seven years old, to the life-long seclusion of a nunnery; but she submitted.[5]

Her Charming Character.

Edward, inconsolable for his loss, dropped his journey to Scotland, and turned back to accompany the remains of his wife to their appointed resting-place at Westminster. For three days not a writ was tested. On the 5th December the funeral procession moved from Lincoln; on Thursday, 14th December, it reached London, the coffin being placed in Trinity church, Minories. Next day it rested with the Friars Minors, and on the day after that again with the Black Friars. Finally, on Sunday, 17 December, it was carried to Westminster Abbey, and there finally buried with unprecedented pomp, a resting-place being found near the Confessor's shrine at the East end of the church. The heart had been deposited with the Black Friars.[6] To commemorate the stages on the journey, lofty stone crosses, of exquisite design, twelve of which have been identified, were subsequently erected by the King's care. Three of these still remain, namely those at Geddington, Northampton and Waltham.[7]

Her Obsequies.

[1] *Northern Registers*, 91; *Fœdera*, I 743.

[2] Osney, 326; Trevet, 317; Flor. C. II 244; *Itinerary*; and for Eleanor's illness, J. Hunter, *Archæol.* XXIX 167.

[3] Rishang. 121.

[4] "Quam quum vivam care dileximus mortuam non desinamus amare"; *Fœdera*, I 743.

[5] 15 August, 1285; Green, II 409, citing additions to Trevet from a Paris MS.; *Itinerary*.

[6] Ann. London, 99; Westm. III 7; Rishang. 121; Flor. C. II 224; Osney, 326.

[7] Eleanor crosses were set up at Lincoln, Grantham, Stamford, Geddington near Kettering, Northampton, Stony Stratford, Woburn, Dunstable, St. Albans, Waltham, "Westchepe" (Cheapside, opposite Wood Street), and Charing Cross. The two London crosses were erected in pursuance of directions in Eleanor's

On Christmas Eve the King went into retirement at Ashridge, in the House of *Bons Hommes*, founded by his cousin, the Earl of Cornwall.[1] There he remained till the end of January, 1291, thence going to Amesbury, to pay a last visit to his mother, who was in failing health; and at Amesbury she passed away in the following summer, namely on the 25th June.[2]

Death of Queen Mother.

own Will. That at Charing cost £500. *Archæologia*, XXIX 167; W. Hemingb. II 32; Wheatley and Cunningham, *London*, "Cheapside" and "Charing Cross." Runmer, *Ancient Crosses*, 44.

[1] Flor. Cont. Dunst. 363.

[2] Ann. Osney, 330; Westm. III 72; *Fœdera*, I 757.

CHAPTER XXIII

EDWARD I (*continued*)

A.D. 1283–1291.

The Scottish Succession—Deaths of Alexander III, his Son and Daughter—His Granddaughter to marry the King's son Edward—Treaty of Brigham—Death of young Margaret of Scotland—The Scottish Succession in Dispute—Edward claims Right of Decision as Overlord—Scottish Castles placed in his Hands—Hearing of the Great Cause.

At the beginning of the year 1283 few European states had less reason to regard the immediate future with anxiety than Scotland. The last Northern inroad had been crushed at Largs (1263).[1] Man and the Western Islands had been acquired, and friendly relations established with Norway (1266–1281).[2] Relations with England were perhaps as cordial as those of two countries so situated well could be.[3] The spectral question of the homage, no doubt, hovered in the background, but the tacit compromise might yet be maintained indefinitely. At the same time Edward's protest in 1278 was disquieting. The Succession at any rate seemed well assured. Alexander III was in his 42nd year; he was a widower,[4] but he had a son and a daughter, both recently married; the one to Margaret, daughter of Guy of Flanders, and the other to Eric of Norway.[5] Within three years' time a succession of calamities plunged Scotland into a sea of troubles. On the 9th April, 1283, the King's daughter Margaret, the Queen of Norway, died, leaving a new-born daughter, also called Margaret;[6] on the 28th January, 1284, the King's son, Alexander, died also, without issue. The Scottish Barons were immediately convened at Scone, and they bound themselves and their heirs to accept Margaret, the infant princess of Norway, as their

The Scottish Succession.

[1] Chron. Melrose in Anno; J. Fordun, 299.

[2] See Lord Hailes, *Annals of Scotland*, the compendium to which one must still turn for historic facts, and the references there given; see also the Chron. Lanercost and Fordun.

[3] See the tone of the documents, *Fœdera*, I 531, 533, 540, 543, 565, 566, 613.

[4] Queen Eleanor, Edward's sister, died in 1275; Wykes, 262; Flor. C. II 214.

[5] *Fœdera*, 595, 611; Fordun, 306, 307.

[6] Id. 308.

sovereign, 'failing any son or daughter that King Alexander might have, and failing any son or daughter that his deceased son might leave.' This was added because it was still uncertain whether the widow of the prince might prove to be pregnant or not.[1]

In October, 1285, Alexander took to himself another wife, Joliette, daughter of the Count of Dreux.[2] Five months later, on the night of the 18th–19th March, 1286, he lost his life. The King had been holding a Council in Edinburgh. It was a wild day of wind and sleet, so wild that the chronicler assures us that he and many others hardly cared to stir out of doors. After dinner, the King, with a truly Scottish disregard of weather, insisted on returning to join his young Queen at Kinghorn in Fife. The boatmen at Queensferry remonstrated in vain.[3] When Alexander reached Inverkeithing, night had come on. Again he was implored to halt; again he rode on, merely taking the villagers to act as guides. Approaching Kinghorn he would have to pass over a rugged promontory of basaltic trap. The horse stumbled and fell, throwing his rider, who was killed on the spot. Such was the initial calamity opening "one of the most gloomy chapters in the history of nations."[4]

Death of Alexander III.

Under such circumstances a marriage between the infant Heiress of Scotland and Edward, the son of the King of England, would seem to offer an easy solution of many difficulties. Within ten days after the death of Alexander we find two Dominican Friars on their way to the English court, charged with 'an important message from the Bishops of St. Andrew's and Glasgow, in their own names, and those of all who had been present at the burial of the late Lord Alexander, King of Scotland.'[5] The exact purport of the message has not been preserved, but we cannot but conclude that it related to the settlement of the Scottish Succession. The overture reached Edward shortly before he sailed for France in May, 1286. In Scotland a Regency of six, three to rule on each side of the Forth, the two Bishops among them, had already been appointed.[6] As the King's journey was not put off it is clear that he felt little

A Matrimonial Alliance Mooted.

[1] 5 February, 1284; *Fœdera*, I 638, with the year beginning 25 March. No representatives either of the clergy or of the Commons are to be found among the signatories of this deed; but a comparison of the names with those appearing in the treaty of Valognes-Falaise of 1174 shows that the government of Scotland now rested on a wider and more national basis, the Anglo-Norman element is less predominant, and has also become more Scottish in character.

[2] Fordun, 309; Flor. C. II 236.

[3] "Ad Transitum Reginæ"; Lanercost.

[4] Lanercost, 115; Flor. C. II 236; Trevet, 316; Burton, *Hist. Scotland*.

[5] Stevenson, *Documents Illustrative of Scottish History*, I 4.

[6] Fordun, 310. The six were: for the district North of the Forth, William Fraser, Bishop of St. Andrews, and the Earls of Fife and Buchan; for the district South of the Forth, Robert Wishart, Bishop of Glasgow, John Comyn of Badenoch, and James, the Stewart or High Steward of Scotland.

anxiety as to the course of his negotiations with Scotland. Nothing that we can now trace was done for three years, beyond evident pains taken by Edw rd to cultivate relations with Norway;[1] and the grant of a Bull obtained from Honorius IV, in May, 1287, authorizing Edward in general terms to contract marriages for his children within the prohibited degrees.[2] On the 1st April, 1289, the negotiations rose to the surface, when Eric despatched plenipotentiaries to discuss with Edward matters concerning him, Eric, his daughter, and the Kingdom of Scotland.[3] On the 3rd October following, William Fraser, Bishop of St. Andrews, Robert Wishart, Bishop of Glasgow, Robert Bruce the elder, and John Comyn of Badenoch, four of the then Scottish Guardians or Regents, received full powers to discuss and settle certain matters with envoys from Norway, in the presence of the King of England.[4] On Edward's side Godfrey Giffard, Bishop of Worcester, Anthony Beck, Bishop of Durham,[5] William of Valence, and the Earl of Surrey were deputed to meet them.

The three commissions met forthwith at Salisbury, and the union was practically agreed upon, without one word being recorded about the marriage. The King of Norway undertook to send his daughter over to Scotland, or England, free from any contract of marriage, within a year; the King of England undertook that if she so came to his hands he would deliver her equally free to the Scots, provided that they accepted her as their Queen, and that they promised not to marry her without his consent; while the Scottish envoys undertook to receive Margaret as their Queen.[6] These provisions indicate clearly enough the various shoals of which the negotiators had to steer clear. On the 16th of the same month Nicholas IV sealed a special dispensation for the marriage between the cousins.[7]

Young Edward to Marry Margaret of Scotland.

The news that a marriage had been arranged between Edward and Margaret, and that the Pope sanctioned the match, was welcomed by the Scots.[8] In the second week of March, 1290, a full Parliament of Scottish Prelates and Baronage met at Brigham, near Berwick, and signified their joyful acceptance of the treaty of Salisbury. At the same time they gently reminded Edward that they must ask for guarantees for their independence.[9]

[1] *Fœdera*, I 667; 2,000 marks lent.
[2] Stevenson, sup. 35. [3] *Fœdera*, 706. [4] *Fœdera*, I 713.
[5] Consecrated 9 January, 1284.
[6] Salisbury, 6 November, 1289; *Fœdera*, I 719; Stevenson, I 105.
[7] *Fœdera*, I 721. Edward had applied for this in May. Stevenson, I 90.
[8] "Sumes nus mut leez et joyus de ascones noveles que mult de gent parlent, etc."
[9] "E pur autre choses que tuchent l'estat du reaume de Escoce, sur queux nous aurom mester de aver seurte de vous." *Fœdera*, I 731, 17 March; Stevenson, I 129, 14 March.

Matters ran smoothly. On the 20th June Anthony Beck and others were commissioned to treat with the Scots.[1] These on their part did their best for the protection of their country by requiring from the English definite pledges as to the relations of Scotland to England under the new state of things. On the 18th July a treaty was sealed at Brigham on behalf both of Edward and of the Scottish people. It provided that the rights, laws, liberties and customs of Scotland should remain entire and inviolate; the Kingdom of Scotland to remain separate from England, divided by its proper Marches, and free from all subjection;[2] no Chapter to be bound to go beyond the boundaries of Scotland to ask for a *congé d'elire*; no tenant *in capite* of the Scottish crown to be bound to go beyond the boundaries of Scotland to render homage or pay Relief; commissioners to be appointed to receive homages, and exercise other royal functions within Scotland; no native of Scotland to answer beyond the Marches in a civil cause, or for a crime committed by him in Scotland; no Parliament to be held outside the boundaries of Scotland to discuss matters concerning the Kingdom; while, lastly, it was stipulated that there should be a special Scottish Seal, and a Scottish Chancery established in the country.[3] Failing Margaret and Edward, and their issue, it was agreed that the Kingdom of Scotland should revert to the nearest heirs 'free and intact from any subjection to the King of England, if by any chance it should have fallen into his hands.' The document concluded with a proviso that the rights of the two Kingdoms or their respective Kings should not be in any way diminished or enlarged by the treaty.[4]

Treaty of Brigham.

In Edward's eyes the last provision was probably the most important stipulation of the compact, a previous clause having already saved his rights as to Marches or otherwise.

On the 28th August this treaty was specially confirmed by Edward at Northampton. The Scots may have been 'startled' by a demand for the delivery of the royal strongholds in Scotland, but the King was induced to yield the point—the Scots promising to deliver up the castles to the young couple, as soon as the marriage was legally contracted.[5]

Ratified by Edward.

[1] *Fœdera*, I 734.

[2] "Liberum in se sine subjectione."

[3] *Fœdera*, I 735.

[4] "concedentes expresse (nomine dicti regis) quod deficientibus prædictis Edwardo et Margareta vel eorum altero absque liberis existentibus, in omni casu et eventu, in quo ad proximiores hæredes regnum prædictum debeat de jure reverti, integre libere absolute et absque ulla subjectione revertatur, et restituatur eisdem, si forsan ad manus antedicti domini nostri Regis vel hæredum suorum ipsum regnum Scotiæ aliquo casu contigerit devenire; ita quod ratione præsentis facti domino nostro Regi vel hæredibus suis nichil decrescat aliqua tenus vel decrescat."

[5] *Fœdera*, 737, 738.

Death of Margaret, the "Maid of Norway."

But the marriage was not to be, as the reader knows. On the 7th October William Fraser, the Bishop of St. Andrews, writes to inform the King of the distracting rumour that young Margaret was dead.[1] Robert Bruce had appeared at Perth with a powerful following; the Earls of Atholl and Mar had joined him; their intentions were unknown to the Bishop, but he begged the King to show himself on the March 'for the comfort of the people of Scotland,' to prevent bloodshed, and to allow the lawful heir to be duly raised to the throne, 'provided always,' added Fraser, 'that he be willing to be guided by your counsels.'[2] Another sentence, equally guarded and significant, recommends John Balliol to the King as a man in whose hands his 'honour and emolument' would be safe.[3] As already mentioned, the disturbing rumour that the Maid of Norway—as she was called—was dead proved to be true, and Scotland found herself fairly confronted by a disputed succession, with Bruce and Balliol announced as the leading competitors, and the King of England as arbiter. From Bishop Fraser's letter it may be inferred that Balliol in his candidature was not unprepared to make private terms with Edward. Bruce was not behindhand. He promptly denounced Fraser and Comyn of Badenoch, the surviving Wardens of Scotland,[4] charging them with conspiring to make Balliol king, in derogation of the rights of the seven Earls and people of Scotland, to whom alone it appertained to elect a King, appealing to the King of England, and placing himself, his kith, kin and friends under his protection.[5] Bruce further put in a paper deducing his claim by descent, and alleging what might be termed a "Parliamentary recognition" of his rights, given by Alexander II and his Council at a time when Alexander was apprehensive of dying without issue.[6]

Scottish Succession in Dispute.

[1] "Dolorosus rumor . . . propter quod regnum Scotiæ est turbatum et communitas disperata."

[2] "ad consolationem populi Scoticani." "Ita quod fideles regni possint . . . illum præficere in Regem qui de jure debeat hæreditare; dum tamen ille vestro consilio voluerit adhærere"; *Fœdera*, I 741.

[3] "Si dominus Johannes de Balliolo venerit ad præsentiam vestram, consulimus quod cum ipso tractare curetis, ita quod in omni eventu honor vester et commodum conserventur."

[4] Of the original Six, the Earls of Fife and Buchan were dead, and the Bishop of Glasgow and James Stewart had retired; Palgrave, *Documents*.

[5] "Supponentes nos et omnes consanguineos affines et amicos nostros et omnes nobis adherentes speciali paci, etc." This formula seems to savour of Celtic institutions: Bruce pledges his whole clan as well as himself.

[6] Palgrave, *Documents*, 14–21. These papers are undated, but as they clearly imply that the throne was vacant, they must have been drawn up after the death of Margaret; the absence of the term "Superior Dominus Scotiæ," which appears after the Conferences at Norham in May, 1291, to my mind proves that the documents were not concocted after that time.

This readiness to appeal to Edward has brought much obloquy on the persons concerned. Certainly their conduct was neither far-sighted nor spirited; but we may find some palliation in their surrounding conditions, and their personal relations to Edward.[1] In the first place we may assume that neither of them had—probably no feudal baron of their time could have had—any idea of the latent forces of Scottish popular nationality. Then it was morally certain that Edward would intervene, and that his influence would tell heavily in the scale. Moreover he was no alien potentate, either to Bruce or Balliol. Both were his 'men,' and accustomed to look to him as "the fountain of promotion and honour." John Balliol was not more Balliol of Galloway than Balliol of Castle Barnard; Robert Bruce was perhaps more distinctively Bruce of Annandale, but we must not forget that he had fought side by side with Edward at Lewes; that he had been Chief Justice of the Court of King's Bench.

So far, Edward in all that he had done regarding Scotland might be considered to have been guarding the interests of his grand-niece.[2] By her death his relation to Scotland had been fundamentally changed.

Impending Crisis.

But we may question whether the death of Margaret really did hasten the crisis that had so long been pending. The tacit compromise was too nicely poised to be stable. The homage would have to come to mean something more, or something less. Either the King of England would require an unequivocal acknowledgement of supremacy, or the Scots would refuse to yield any homage at all that might be construed as a recognition of superiority. Once or twice within the century the Scots had refused to enlarge the terms of their homage. Would they fight in earnest for their independence if the question were pressed home? Certainly Edward was just the man to press such a question. Of course there was a third possibility, that of an amicable union between the two Kingdoms, brought about by moderation and mutual forbearance. There were many points in the social and ethnological relations of the two countries to facilitate such a result, but to work for so distant an end required more patience and self-denial than Edward possessed.

The Homage Question.

As a matter of fact he made no secret of his intentions. As soon as he had recovered from the shock of his wife's death, he issued circular writs to the chief monasteries calling for historical evidence on the

[1] If, as Palgrave thinks, and as seems probable, Bruce was the author of the fragmentary paper in which a competitor for the Crown argues that it was not competent to Richard I to cancel the treaty of Valognes, as being derogatory to the rights of the English Crown (Palgrave, p. 21), Bruce threw all nationality to the winds.

[2] J. Hill Burton, *Hist. Scotland*, II 114.

homage question.[1] This step was significant enough, but Edward went the length of confidentially informing his Barons in Council that he contemplated conquering Scotland, as he had conquered Wales; and the report of the King's intentions soon became public property.[2] His next step was to send invitations to the aspirants to the Scottish Crown, and to the prelates, barons and people of Scotland in general, requesting them to meet him on the 3rd of May, at Norham, on the English side of the Tweed.[3] On the 16th April, being at Darlington, he summoned the military tenants of the Northern counties, including Bruce and Balliol, to meet with horses and arms at the same place, but a month later [4] than the time named for the meeting with the Scots. To have confronted the candidates with an army would have been too barefaced.

Edward and the Scots.

It may be well here to state who the claimants were, and how they made out their cases. The legitimate issue of William the Lion had come to an end with the Maid of Norway. Illegitimate branches there were, but these could hardly be regarded as serious competitors. At their head stood Nicholas of Soulis, descended of the marriage of Marjory, a natural daughter of Alexander II, with Allan the Durward.[5] Of like origin were Patrick Dunbar, Earl of March, William de Ros, Roger of Mandeville, William de Vescy and Patrick Golightly, all sprung from natural children of William the Lion.[6] The legitimate stock of this King having failed, descent had to be traced from his brother David, Earl of Huntingdon. David had three sons [7] and four daughters. The three sons and one of the daughters left no issue. Of the other daughters, Margaret, the eldest, married Allan of Galloway, and left by him an only surviving daughter, Devorguille, married to John Balliol of Castle Barnard, the man who fought at Lewes, and founded Balliol College, Oxford.[8] Their son, John Balliol, was the present claimant. Isabel, the second

The Candidates for the Scottish Crown.

[1] 23 March, 1291. Palgrave, *Documents Illustrating Scottish History*, 123; Rishanger, 123. For the grand narrative compiled from the chronicles, and going back to Brutus and Locrinus, see Skene, *Chron. Picts and Scots*, 221; Bain, *Calendar of Documents*, II 111–118; Palgrave, 56–123.

[2] "Dixit cogitationem in eo esse regem et regnum Scotiæ suæ subdere ditioni sicut nuper Walliam, etc." Ann. Waverley, 409; Worcester, 504.

[3] "Episcopis prælatis comitibus baronibus magnatibus et communitati prædicti regni Scotiæ atque nobilibus viris hiis qui ad regnum ipsum ex successione hereditaria asserunt jus sibi competere." So runs the state paper subsequently drawn up by Edward, and known as the Great Roll of Scotland; *Fœdera*, I 762; W. Rishanger, 240.

[4] *Fœdera*, I 753.

[5] See above, p. 157.

[6] See their pedigrees; *Fœdera*, 775, 776.

[7] Henry, David and John. The last, 'John le Scot,' was created Earl of Chester by Henry III. See above, 63, note.

[8] *Fœdera*, sup.; Palgrave, *Documents*, 19, 27.

daughter of Earl David, married Robert Bruce V, lord of Annandale in Scotland, and Guisbrough in Cleveland in England.[1] Their son was the present competitor, a man advanced in years, of whom we have often heard. As we have already seen, he pleaded a special title under a Parliamentary recognition obtained from Alexander II and his Council.[2] Robert VII, the eldest son of this competitor, had further "enhanced the fortunes of the House by marrying Marjory, heiress of Carrick." [3]

Ada, the third daughter of Earl David, married Henry of Hastings. From them was descended another competitor, John of Hastings, lord of Abergavenny, who maintained that the Kingdom was divisible between co-heiresses, and that the representative of each branch was entitled to a third. Lastly, Florence, Count of Holland, claimed as the heir of Ada, the sister of William the Lion.[4] But with all these competitors in the field the question really lay between two men, Balliol and Bruce; Balliol claimed by strict representation, as the heir of the eldest daughter; Bruce claimed as being nearer in blood to the common ancestor. As we have seen in the case of Castile, the principle of representation had as yet by no means obtained universal recognition.[5]

At the appointed time the King appeared at Norham. On the 4th of May he sealed a safe conduct for the Scottish prelates and barons, and those they might bring with them, to meet him at Norham, with the express proviso that their meeting him in England, on business relating to Scotland, should not be drawn into a precedent.[6] This was clearly done to impress the Scots with the belief that the King intended to respect the stipulations of the treaty of Brigham. On the 10th May a fairly representative Parliament or Convention of Scottish Prelates, Earls, Barons and freeholders met Edward and his Prelates and Barons in the parish church of Norham.[7] In the King's retinue came the Papal notary,

Convention-Parliament at Norham.

[1] For the Bruce family see the articles by Mr. Æneas Mackay in the *Nat. Dicty.*

[2] This transaction is not noticed by the Scotch Annals, but as Bruce appealed to living witnesses (Palgrave, p. 30), and Balliol did not controvert the allegation, we may assume it to be correct. The incident must have occurred between the 4th March, 1238, when Alexander lost his first wife, Jeanne or Joan of England, and the 15th May, 1239, when he married Marie de Couci. See Hailes' *Annals.*

[3] Hailes' *Annals*, A.D. 1274.

[4] *Fœdera*, 275, 276, etc.

[5] See also the Scottish settlement of February, 1283, which placed the younger daughters of Alexander III before the daughter of his son; above 375.

[6] Stevenson, I 227; Bain, Calendar, II 111.

[7] Trevet, 319. "Convenientibus omnibus libere tenentibus de regno Scotiæ qui debuerunt et potuerunt interesse"; J. Fordun, 312. Edward was careful to record the fact that the commonalty of Scotland were represented to some extent "convenientibus multis etiam popularibus, tam clericis quam laicis, regnorum Angliæ et Scotiæ"; *Fœdera*, I 762.

Master John fitz Arthur of Caen, to record the proceedings ; [1] also monastic librarians, armed with chronicles and records to establish the rights of the King of England.[2]

The King's first formal act showed that he regarded the treaty of Brigham, and all other treaties subsequent to the treaty of Falaise-Valognes, as nullities. Roger le Brabazon, a Puisne Judge of the Court of King's Bench,[3] addressed the meeting in the King's name, in a set speech in French.[4] Roger, after declaring Edward's pity for the troubled state of Scotland, and his affectionate regard for all people placed under his charge, requested the Scots to recognize in him the right of deciding the question of the succession to their crown. This privilege the King claimed as being the overlord of Scotland (*Dominus supremus, Dominus superior*) ; [5] and therewith the Judge gravely produced the documentary evidence on which Edward affected to base his pretensions. The proof was made out by reciting all the acts of homage rendered from the time of Eadweard the Elder down to the treaty of Falaise-Valognes ; treating that as a living compact, ignoring all subsequent treaties, and claiming all acts of homage rendered since 1275 as rendered under the treaty of Falaise-Valognes.[6]

The King's Speech.

His Pretensions.

Of course Edward might plead that he had not come unbidden, and that the leading competitors had anticipated his demands. Of the submission of the claimants he could feel sure. But truer Scotsmen there were at Norham who were not afraid to raise their voices ; they disputed the King's evidence, they demurred to his conclusions. Edward was obliged to allow them to think over the matter till the morrow. When the morrow came

The Scots Demur.

[1] From the notes and protocols drawn up by Master John, and other documents, a formal record of the proceedings from the 11th May, 1291, to the 2nd January, 1293, was subsequently drawn up by Edward's command. This report, known as the Great Roll of Scotland, is given in *Fœdera*. An independent report, also penned by Master John, was preserved at St. Albans, and is given by Rishanger, 233–368.

[2] Oxnead, 278 ; W. Hemingb. II 32 ; Flor. Cont. II 245 ; and Palgrave, *Documents*, 56–138.

[3] Foss, III 241.

[4] Hemingburgh, II 33, informs us that the speech was composed by Wm. Hotham, the Provincial of the Dominicans.

[5] See the Latin rendering of the speech, Hemingb. II 33, and the summaries in all the chroniclers, as well as the words of the actual recognition eventually given to Edward, "come soverein seignur del reaume d'Escoce," *Fœdera*, 751 ; and Rishanger, 235 ; which prove that in the demand in the official report for recognition tanquam superior "et directus dominus" (*Fœd.* 762), or "seu directus dominus" (Rish. 241), we have a fraudulent interpolation made when Edward found that the rights of an overlord would not carry him all the lengths that he wanted. In his own writs later in the year, he only styles himself "Superior Dominus Scotiæ." Stevenson, I 251, 254.

[6] Hemingb. sup. ; *Fœdera*, 769, 770.

they begged to be allowed to consult the rest of the community at home; without a King they could give no answer to Edward's demands, as their King would be the person most affected by them. Accordingly Edward had to agree to a further adjournment of three weeks. But by that time a 'precise and peremptory' answer must be given to his demands; any documents intended to be used to rebut his claims to be lodged within that time.[1]

The Scottish Homages.

We may perhaps be allowed here briefly to recapitulate the facts of the homage question. The celebrated act of 'commendation' by which the Scots and the Strathclyde Britons 'chose' Eadward the Elder 'to father and lord'[2] clearly amounted to a recognition of superiority in the English King. The 'commendation' was exacted at the point of the sword, but no farther interference in the affairs of Scotland can be traced to Eadward. One and twenty years later Strathclyde was conquered by Eadmund, and made over by him to Malcolm I of Scotland, on distinct terms of feudal and military service.[3] From that time the province became the appanage of the eldest son of the Scottish King. After the battle of Carham in 1216 the whole of Lothian was either ceded, or more probably, allowed to fall under Scottish dominion. From this time down to the treaty of Valognes we find the Scottish Kings rendering at irregular intervals, and mostly under pressure, an indeterminate homage, which tradition connects with territories or estates conferred by the Kings of England. As the memory of the cession of Strathclyde and Lothian waxes dim, the earldom of Huntingdon and other possessions are found to justify and sweeten the distasteful act of homage. All the time no interference in the domestic affairs of Scotland is attempted, except by Rufus; a tacit compromise appearing to rule the subject. After the capture of William the Lion, Henry II resolved to tighten his hold on Scotland, but, apparently, more with a view to securing himself from molestation than with any of purpose incorporation. The homage rendered to him under the treaty of Valognes must be taken as homage for the Scottish Crown, as it included the direct homage of the Scottish Barons. But the treaty of Valognes was cancelled by Richard in 1289. The homages exacted by John from William the Lion and Alexander II under the treaties of 1209 and 1212 were not in terms rendered for the Scottish Crown, but coupled as they were with tribute and yield of hostages, those acts must be regarded as substantial acknowledgments of political superiority. The homages rendered to Henry III were not accompanied by any

[1] Rishang. 124, 125; W. Heming. II 34; and the official account, Rishang. 241, 242, and *Fœdera*, 762.

[2] A. S. Chron. A.D. 924.

[3] Chron. 945.

such incidents; and during his reign the tacit compromise to which we have so often alluded was revived. In 1251 he asked Alexander III to do formal homage for the Scottish Crown, but the demand was rejected. When Alexander did homage at Edward's coronation we have seen that the act was, to all appearance, expressly limited to the English estates. In 1278, on the last occasion when homage was done, Edward distinctly admitted that the recognition was not rendered for the Crown of Scotland, by reserving a right to call for such homage at some future period. We may remark that no King of England had ever arrogated the style of Lord Superior of Scotland, and that the overlordship of Scotland, even if it had been recognized, would not have given Edward any right of interfering with the succession.[1]

No Right of Interference Involved.

On the 2nd June sittings were resumed, not at Norham, but in a meadow at Upsetlington, on the Scottish side of the Tweed. Not a word of protest had been entered on behalf of the spiritual or lay aristocracy of Scotland. The claimants would not damage their chances by putting themselves out of court with the arbiter; and the other barons were all marshalled behind one or other of the claimants. But among the 'commons' of Scotland (*communitas*) were found men of more independent spirit. They had entered a written protest in French. It would be interesting to know who the protesting commoners were,[2] and what they said, but the document was not allowed to survive.[3] Robert Burnel, the Chancellor, read an elaborate message from the King, reiterating his affectionate care (*affectionem et desiderium*) for the weal of Scotland, and rehearsing the proceedings so far. The Prelates, Earls, Barons and Commonalty of Scotland had been invited to bring forward any evidence they had to impugn the King's rights of overlordship over Scotland. Nothing had been offered on behalf of the Magnates. On behalf of the Commons, no doubt, a certain answer (*responsio*) had been put in, but it contained nothing to the point (*nihil efficax*). The King therefore begged to intimate that, his title being undisputed, it was his intention to hold an enquiry, of his own authority, as overlord, as to the rights of the claimants to the Scottish Crown.[4] Then, beginning with Robert

The Scottish Commons.

Edward Claims the Overlordship.

[1] For the various renders of homage see *Foundations* and *Angevin Empire* under the several years.

[2] The reader may safely take it that the commoners would be the lesser gentry, freeholders, as mentioned in Fordun, parochial clergy, and burghers of the chief towns. The peasant cultivator of the soil would be of as little account in Scotland as in England.

[3] See Rishang. 242, 244. In the official account, *Fœdera*, 763, the reference to the protest of the commoners is omitted, making a lacuna in the sense, as pointed out by Mr. Hill Burton.

[4] "Intentionis suæ est procedere auctoritate propria ratione superioritatis

Bruce as the senior competitor, the Bishop, in a set form of words, asked of him and the other competitors who were present, each in turn, whether, as a claimant for the Scottish Crown, he agreed, in the matter of his petition, to stand before the King of England, as Overlord of Scotland, and to abide by his award, "*come soverein seignur de la terre.*" Each in turn, following, without doubt, word by word, the question really put, answered that he would. Not so the official record.[1] To the somewhat guarded demand for the recognition of Edward as Overlord for the purposes of the arbitration, the competitors are made to answer with an out-and-out recognition of Edward as Overlord for all purposes whatsoever.[2] Then, throughout, as in the passages given in our margin, Edward is represented as claiming, and the Scots as conceding, not merely the Overlordship, but also the Direct Dominion of Scotland. What Edward did really claim, and the Scots concede, may be seen from the written acknowledgments put in by the latter two days later, where it is plainly recorded that all that Edward asked was "*la sovereine seignurie du reaume d'Escoce*"; and that Bruce and the others merely agreed to stand before him in the matter of their suit "*com soverein seignur de la terre.*"[3] The grant of the Direct Dominion would have involved the entire incorporation of Scotland. The words to that effect must have been interpolated later when Edward found that the rights of an overlord would not serve his purpose.

The Competitors Acquiesce.

Falsification of Record.

The proceedings next day (3 June) opened with a formal sitting at Upsetlington to receive the submission of Balliol, who had been absent on the previous day, and who now again apparently only appeared by his attorney. The meeting then adjourned to the parish church of Norham,[4] and the King appeared in person, to instal himself in his new position. In the style of a voluntary coronation oath he assured all present that he would maintain peace and tranquillity in Scotland; that he would take nought wrongfully from any man, delay justice to no man, invade no man's rights or liberties, and that he would observe strictly all the good and approved customs of

(seu directi dominii) quod sibi dinoscitur competere ad cognoscendum," etc.; Rishang. 245; *Fœdera*, 763.

[1] "Unde . . . vos interrogamus . . . an, super petitione vestra ad succedendum in regnum prædictum, coram memorato domino nostro Rege Angliæ tanquam coram superiore (seu directo) domino regni Scotiæ, juri stare velitis," etc.; Rishang. 245.

[2] "Respondit quod dictum dominum Edwardum in superiorem (seu directum) dominum regni Scotiæ publice recognoscit"; Rishang. 246; *Fœdera*, sup.

[3] Rishang. 235; Hemingb. II 35. See also the Latin rendering; Trevet, 321.

[4] Rishang. 252; cnf. *Fœdera*, I 764, 765. The record speaks as if Balliol appeared twice in the day. If the first appearance is not a fiction it must have been by attorney. On the second occasion the record is careful to specify "personaliter accedens"; Rishang. 249.

Further Pretensions.

the said realm. At the same time he added that by accepting the Overlordship of Scotland as his right he did not intend to waive any other proprietary rights over that realm to which he might be entitled by descent, and that he reserved to himself the right of prosecuting a claim as a competitor for the Crown of Scotland.[1] This reservation has been supposed to cover a possible intention of treating Scotland as a male fief, and claiming it as an escheat fallen in for default of a heritable heir. Balliol then finally appeared in person. He and John Comyn of Badenoch evidently hesitated to some extent about accepting Edward's supremacy, the only men of all the competitors who at all held back. Both now appeared, and both, at their own requests were admitted as claimants on the same terms as the others—the more competitors the better for Edward.

The question of the composition of a Court of Arbitration to examine the cases of the several pretenders was then taken up. The plan adopted was that Balliol, Comyn and their party should name forty arbitrators; Bruce and his party as many more, and the King of England twenty-four. This arrangement again shows how clearly it was understood that the question lay between Bruce and Balliol.

Court of Arbitration.

On the 5th June a third sitting was held to settle the list of arbitrators. But it was Edward's scheme that each step in the cause should be dependent on some corresponding concession by the claimants. The names of the arbitrators were not given out till the competitors had affixed their seals to the written recognition of Edward's jurisdiction already referred to. All reference to the Direct Dominion is wholly wanting, and the falsifications of the official are thus clearly revealed.[2]

Towards the contemplated conquest of Scotland a most important step would be to obtain, even for a time, legal control of the country. This concession Edward prayed as being necessary to enable him to give effect to his decision in the great cause. On the 6th June the competitors were brought into the King's chamber in Norham Castle, and made to seal an agreement for giving him seisin 'of all the land and castles of Scotland' pending the enquiry; but only on condition of his first entering into 'good and sufficient surety'[3] with the claimants, and the Guardians and people (*la*

Scottish Castles made over.

[1] "Non intendimus propter hoc nos a jure hæreditario quod nobis ad prædictum regnum Scotiæ quo ad proprietatem ipsius competit excludere," etc.; *Fœdera*, I 766.

[2] See the originals in French, Rishang. 235; Hemingb. II 35; Wav. 411; Worcester, 507, etc., and the Latin versions, Trevet, 321, and Oxnead, 281. There is not a word of Direct Dominion in any one of them, not even in the French original in *Fœdera*, 766, q.v. for the list of Arbitrators.

[3] "Bone seurté e suffisaunte."

commune) of Scotland for restoring the same, with 'all their rights and appurtenances,' to the successful candidate, within two months after the decision of the case.[1] Having gained this point Edward fixed the 2nd of August for the preliminary hearing of the cause at Berwick.[2] The interval between the 6th of June and the 2nd of August was devoted to making arrangements for giving effect, so far as was practicable, to the agreement for the surrender of Scotland and its castles. Gilbert of Umfraville, however, the Earl of Angus, one of Balliol's partisans, at once refused to surrender the castles of Dundee and Forfar; 'he had not received them from the King of England, but from the people of Scotland.'[3] His case was met by procuring an order from the Guardians of Scotland and the claimants, requiring him to yield the castles to the King.[4]

The same procedure was adopted for the surrender of the other castles, and the government of the country. Edward did not attempt to oust the Guardians, who had been appointed by a national Council. But he took from them, and the claimants, and the Constables of all the royal castles resignations of their charges, re-appointing them, and appointing Allan, Bishop of Caithness, to be Chancellor of Scotland, vice Thomas of Chartres,[5] with an Englishman, Walter of Amundesham, as his colleague, in the capacity of Keeper of the Seal (11 June)[6]. On the morrow the Chancellor and Keeper were sworn in, and Edward sealed the agreement for re-delivering the castles to the successful competitor. He also issued a patent declaring that the question of the succession should be decided 'within the realm of Scotland, and nowhere else, so long as there should be a King of Scotland.'[7]

On the 13th June Brian FitzAllan was added to the number of the Guardians; all five were sworn in, and the oath of fealty to Edward was administered to them and to all present. The King's peace was then proclaimed, and the 2nd August confirmed for the hearing of the cause.[8] On the 3rd July he informs the Justices of the Court of King's Bench that by the blessing of the Almighty the two Kingdoms have been happily united, and that his writs for the future will run equally

[1] *Fœdera*, I 755; Rishang. 235, and the other chronicles above cited. Again in the original documents there is not a word of Direct Dominion.

[2] *Fœdera*, 767.

[3] "Come il ne les ad pas eu de par le Roi, mes par la commune del reaume d'Escoce"; *Fœdera*, I 756. This Earl was afterwards one of the steadiest supporters of the English cause.

[4] *Fœdera*, 756. [5] Stevenson, I 243.

[6] *Fœdera*, 767, 768; Bain, *Calendar*, II 121.

[7] "Dedenz le reaume d'Escoce at nemy allore tant q'il y ad Roy d'Escoce"; *Fœdera*, 756, 768, 785.

[8] *Fœdera*, 768; Bain, Calendar, 122. The appointments were made at Norham, the oaths administered at Upsetlington.

in Scotland and England.[1] At the same time he intimated verbally to the claimants that his gracious concession that their cause should be heard in Scotland, was not intended to bind him on future occasions.[2]

Progress through Scotland.

Edward then started on a progress through Scotland to instal Englishmen as constables of the castles, and exact oaths of fealty from 'all persons, clerical or lay, who would have been bound to render such oaths to a living King of Scotland.' An ordinance to that effect was issued with the consent of the Guardians, who were appointed to take the oaths on behalf of the King in remote places, such as Ayr and Inverness.[3] The King visited Haddington, Edinburgh, Linlithgow, Stirling, Kinghorn, Dunfermline and St. Andrews. The latter place must have had attractions even then, as Edward rested there a whole week (16–22 July), the longest stay made by him in any one place. On the 24th and 25th July he rested at Perth, with the Black Friars, outside the city walls. Retracing his steps southwards he was at Roxburgh on the 1st August, and next day returned to Berwick.[4]

Hearing of the Great Cause.

On the 3rd August the judicial hearing of the Great Cause was opened at Berwick, in the presence of the King, the Arbitrators, and a general audience. All the twelve candidates appeared, and lodged their petitions; each claimant tracing his descent, in the strictest technical form, from the royal ancestor through whom he made his claim. In Bruce's petition the Parliamentary recognition is strongly insisted on; all the pleadings might be described as models of draftsmanship.[5]

By the 12th August Edward thought that, for the time, he had heard enough. He ordered all the proceedings to be deposited in a leather bag under seal, and adjourned the proceedings to the 2nd June, 1292.[6]

Achievements of the Summer.

Edward must have felt well pleased with the work of the summer. The Conquest of Scotland was half achieved; the national leaders, ecclesiastical and lay, were all pledged to him; he had twenty-three royal castles actually in his hands;[7] his dexterity had accomplished all this without frightening the Scots into resistance.

[1] *Fœdera*, I 757. [2] Id. 774.

[3] For the Ordinance, and the names of the limited number of persons who were induced to come in and swear, see *Fœdera*, I 772, 773, and Bain, *Calendar*, II 124. For Englishmen going to Scotland on the King's business see Calend. Pat. R., 432–438. [4] *Itinerary; Fœdera*, 772, 773.

[5] *Fœdera*, I 775–777; Palgrave, *Documents*, I 26–34.

[6] Palgrave, I 35. On the garbled official account the adjournment is dated 3 August; *Fœdera*, 774.

[7] Namely Berwick, Roxburgh, Jedburgh, Dumfries, Kirkcudbright, Wigton, Ayr, Dumbarton, Edinburgh, Stirling, Cluny, Forfar, Dundee, Kincardine, Aberdeen, Banff, Elgin, Forres, Nairn, Aboyne, Inverness, Dingwall and Cromarty. See Stevenson, I 240–298, 353.

Death of Queen Dowager, Eleanor of Provence.

From the banks of the Tweed Edward went back to Amesbury for the entombment of his mother, who had passed away on the 25th June, as already mentioned. The remains had been embalmed, and kept in a private place, above ground,[1] to await the King's arrival. On Sunday, 9th September, the burial took place with all the pomp that Edward loved to parade on such occasions. The whole Baronage of England, lay as well as ecclesiastical, had been summoned to appear. The heart was sent to rest with the Friars Minors in London.[2]

Private War.

From Wilts Edward went down to the Welsh March for a settlement with Gloucester and Hereford, for the private war in which they had indulged during his absence abroad, as already mentioned. Gilbert had attempted to set up by force a castle at Morlais, on the Upper Taff,[3] on land belonging to or claimed by Humphrey; and the latter, taking the law into his own hands, had met force with force, the men engaged in either side being Welsh. Blood had been spilt, houses burned and cattle raided. An inquest held by a special commission in March had established these facts, as well as the further fact that the hostilities had been persevered in after the proclamation issued, and that Gilbert's men had made three successive raids into Brecknock, carrying off plunder. The King declared that he must be satisfied by the finding of a second jury before he could credit such contempt of Royal authority.[4] The case was re-heard before a jury in the presence of the King himself at Abergavenny. Some faint reference was made to the 'customs' of the March, but Edward would not listen to any such excuse. The plea was overruled, and both Earls sentenced to gaol (20–28 October).[5] The penalty, however, was not enforced, the culprits being let out on heavy bail, to be dealt with in Parliament. They were brought before a January session at Westminster, when, after much discussion, the King's son-in-law was allowed to compound for a fine of 10,000 marks (£6,666 13*s.* 4*d.*); Hereford, who was less to blame, being let off with 1,000 marks.[6]

How Dealt with.

[1] "In loco secreto subdivo seorsim."

[2] Ann. Osney, 330, 331; Westm. III 72. The heart of the King's father was sent to the ancestral burying-place at Fontevrault.

[3] See the plan, Clark, G. T., *Mily. Archit.* II 313.

[4] "Si tantus contemptus et tanta disobedientia."

[5] Calendar Pat. R. 452; *Itinerary.*

[6] See the whole story, *Rot. Parl.* I 70; Clark, sup. 315; Morris, sup. 224. In the course of the proceedings the King's officers asked the accused to swear beforehand to submit to whatever the King might order; they argued that, for the common good, the King's prerogative might be held above law or custom; "supra leges et consuetudines." Of course the Earls refused; Rot. Parl. 71. At Gloucester's death, three years later, little of the fine had been paid, and the rest was remitted, as commonly happened with heavy amerciaments.

CHAPTER XXIV

EDWARD I (*continued*)

A.D. 1292.

The Great Cause continued and ended—Decision in Favour of John Balliol—His Coronation, Oath of Fealty, and Homage to Edward—Treaty of Brigham quashed.

The Great Cause Resumed.

On the 2nd June, 1292, the hearing of the Great Cause was resumed at Berwick. A thirteenth competitor appeared in the person of Eric of Norway, who asked that the Crown of Scotland might be adjudged to him, as heir to his daughter Margaret. He also put in a "secondary and more hopeful claim" for arrears of his wife's dower; and for the "mesne profits" of the Kingdom of Scotland, during the four years that had elapsed between the death of Alexander III and the death of Margaret. These he claimed as administrator of his daughter. His pecuniary demands received a certain amount of attention.[1] His higher pretensions were gently passed over. The petitions and pleadings of all the claimants having been read, the King desired the Arbitrators to direct their attention in the first instance to the case as it stood between Bruce and Balliol. This preliminary judgment practically determined "that the crown must belong to the descendants of David Earl of Huntingdon."[2] If we may trust the garbled records of the Great Roll of Scotland, the King went on to address a most important question to the Arbitrators named by Balliol and Bruce. He requested them to advise him by what laws and customs the right of succession should be determined. The answer ascribed to them is 'that they could not advise the King on a case so arduous and unprecedented, for that they themselves differed in opinion as to the laws and customs of Scotland.'[3] They therefore begged that the English Arbitrators

[1] Rishang. 132, 269; *Fœdera*, I 785; Stevenson, I 312.

[2] Hailes.

[3] "Responderunt quod propter aliquas discordias adhuc inter eos existentes super legibus et consuetudinibus regni Scotiæ, quoad casum tam arduum et retroactis temporibus inauditum Domino Regi consulere non audebant," etc. As no original protocol of the proceedings of this day has been preserved, we cannot test the accuracy of the Great Roll.

might be allowed to confer with them on the point. The King assented to this, and to give them plenty of time to make up their minds, named the 14th of October as the day for receiving their joint opinion.

With regard to the hesitation of the Scottish Arbitrators, clearly neither party would care to commit themselves to anything that might damage their cause; but Edward, as we shall see, was able to turn their timidity to good account.

A plea in bar of Bruce's claims having been put in by Balliol, and answered by the former,[1] the One Hundred and Four Arbitrators at last reported to the King that the pleadings were complete, and that he might proceed to judgment (21 June).[2] Four days later the whole process between the parties was read out before the King and the Arbitrators, and Bruce and Balliol were asked if they had anything more to say. They answered 'No' '—unless the King had anything to ask of them; for that they were advised that they had already said enough.'[3]

The Pleadings Completed.

The King then adjourned the proceedings to the 14th October, the day named for receiving the joint opinion of the arbitrators on the legal point submitted to them; the King meanwhile touring through the Northern counties, within easy reach of Scotland.[4]

On the appointed day business was resumed. Of the ensuing proceedings we have three several accounts, painfully at variance as to dates and facts. First we have the King's own version as found on the Great Roll;[5] next we have a notarial protocol by Master Andrew, clerk to William of Tange,[6] and lastly we have the St. Albans account, evidently compiled from the original protocols of John FitzArthur.[7] According to the Great Roll all the Arbitrators, with the claimants, and divers other magnates were summoned before the King in the Castle,[8] and he

Conflicting Reports.

[1] Palgrave, LIII, LXX, LXXX. The plea alleged that Bruce was disqualified by a breach of the peace of 'the Lady of Scotland,' committed by him during the Regency. Bruce replies that he had never been convicted, and that the acts did not involve felony.

[2] Palgrave, 52–55.

[3] "Leuz, oyez e plenement entendus les demandes, les respons, les resons, e tot le proces entre les avanditz Robert de Brus e Johan de Bailliol devant le dit Rey e les cent e quatre avant ditz, demande fu de par le Rey, as avant ditz Robert e Johan, si il voleient plus dire. . . . E les ditz Robert e Johan respondirent a treuche que noun, si le Rey ne les apposast ou lor feit demande. Kar avys lor fu que assez aveient dist." Palgrave, 50. These proceedings are mixed upon the Great Roll with those of the 14th October; *Fœdera*, I 779 c. 1.

[4] *Itinerary.*

[5] *Fœdera*, sup.

[6] Palgrave, I, *Illustrations*, XVII.

[7] Rishang. 253.

[8] "Omnes auditores prædicti tam de Anglia quam de Scotia," etc.; *Fœdera* 1 777.

put three questions to them. First he asked by what laws and customs the Succession ought to be determined; next he asked what ought to be done if no settled law could be found on the subject, or if the laws of England and Scotland differed; lastly, he enquired whether the rule of Succession in the case of the Scottish Crown ought to be held to differ [1] from that in the case of earldoms, baronies, or other fiefs of the Crown of England. The Great Roll then states that all the said Arbitrators [2] gave as their collective answer that the Succession must be decided by the laws and customs of the realms over which the King ruled—if any fixed laws or customs on the point could be found, and if none such could be found, then that the King, with the advice of his magnates, ought to lay down a law. Lastly they said that the rule of Succession to the Scottish crown should certainly be the same as in the case of other fiefs. The Roll then alleges that the King directed the Arbitrators and the others to adjourn to the Hall of the Black Friars; that that was done, and that the whole case, as between Balliol and Bruce, was argued out at length, in the course of the one day, with a final adjournment to the 6th November.[3]

The protocol of Master Andrew—from which, by the bye, the Great Roll must have been compiled—agrees with this account, with the important variation that only the Arbitrators named by the King had the legal questions submitted to them.[4] From the St. Albans account we find out what really happened. On the 14th October the King held a Privy Council, at which he directed the Arbitrators named by himself to hear the cause as argued between Balliol and Bruce; which they did, the arguments extending over several days. On the 24th October the King again met his own advisers [5]—after they had heard the claimants—and asked them, not collectively, but personally, in succession, whether judgment should be given by the 'Imperial laws,' meaning the Civil or the Roman law, or by the laws and customs of England, or by the laws and customs of Scotland The Bishop of Winchester [6] answered that judgment ought certainly to be given by the laws and customs of England, and that by those laws it seemed to him that Balliol was entitled to succeed. The Archbishop of Dublin [7] had never heard of any judgment being given

The Authentic Version.

The King's Advisers.

[1] "An de dicto regno Scotiæ sit aliter judicandum quam de . . . aliis tenuris"; ibid.

[2] "Qui quidem . . . auditores de utroque regno ab ipso Rege diligentius requisiti . . . ad hoc omnes et singuli concorditer responderunt," etc.; ibid.

[3] *Fœdera*, 777–779.

[4] "Comparuerunt coram ipso Domino Rege viri nobiles . . . jus ad regnum Scotie vendicantes una cum auditoribus electis per Regem memoratum"; Palgrave, *Illustrations*, sup.

[5] "Coram prædictis de consilio suo"; Rishang. 253, 254.

[6] John of Pontoise. [7] John of Sandford.

in the King's Court except by the laws and customs of England. William of Valence thought that the King would infringe upon his coronation oath if he decided by any other laws. To the same effect spoke all the rest, forty-seven in number,[1] one of them being the Papal Nuncio, Master Geoffrey de Vezano. The King then asked the Council to advise him whether the Crown of Scotland was so worthy as to stand upon a different footing from the other 'tenures' of England and Scotland. Bishop Anthony Beck of Durham answered that there was no reason why the Crown of Scotland should stand upon a different footing, and the others assented.

Here "the broad fact" comes out unmistakably, "that the Twenty-Four of England were advisers of the supreme judge, Edward himself, as to the judgment to be given, while the Eighty of Scotland were merely the advisers of the two Claimants as to the position they should take up as litigants. . . . Yet it was so managed that they, too, should appear to have had a voice."[2] On the 29th of October Bruce, Balliol, and their Eighty were summoned before the King, and it was put to them collectively, whether they could show any cause why the Kingdom of Scotland—a fief of the King of England—should be treated differently from other holdings. They asked for time to consider the matter, but on the 31st October Balliol and Bruce gave their answers, intimating generally their readiness to submit to such decision as the Lord Superior might adopt. Balliol, however, asserted "with some emphasis" that whatever happened Scotland could not be treated as a divisible fief. The Eighty were then interrogated as to the code of law applicable to the case. They ventured to assert that in a Scottish case Scottish law must decide;[3] but they admitted that if a case arose for which the laws of Scotland had not provided, then the King of England as Superior Lord of Scotland, might, with the assent of his Magnates, lay down a rule. To guard against any possible reservations their answers were read out to them, and the King asked them if they had anything else to say, but, apparently, they had not.[4]

The Scottish Arbitrators.

The code of law applicable to the case having thus been agreed upon, the next thing was to consult that code. On the 3rd of November the King enquired of his Council[5] whether, by the laws and customs of

[1] A list of forty-seven names is given by Rishanger, 254–256.

[2] Hill Burton, *Hist. Scotland.*

[3] "Si in casu subscripto in regno Scotiæ et in eodem regno lex habeatur expressa, sufficit et debet sufficere lex eadem"; Rishang. p. 258.

[4] "Lectis responsionibus quas quaterviginti de Scotia ad interrogationes antea factas eis dederant in nullo immutabant easdem." It does not appear clearly whether the questions referred to were those put to them that day or some other questions.

[5] "Allocutus consilium suum," etc.

England and Scotland, the nearer descendant of the younger daughter, or the more remote descendant of the elder daughter, should be preferred? The answer, very neatly and distinctly given, was that the progeny of the elder must be exhausted before that of the younger had any claim.[1] Proceeding thus by safe and easy stages, on the 5th November the King and his advisers[2] drew up a judgment applying this principle to the case as it stood before them, that is to say, as it stood between Balliol and Bruce. It was agreed that the King should inform Bruce that on the pleadings he had failed to make out his case; Balliol was to be told that a final answer could not be given to his petition till the cases of the other claimants had been investigated.[3] On the next day (6 November) the Scottish Arbitrators were summoned, and they were asked, one by one, what they thought of this judgment.[4] The Forty selected by Balliol, of course, had no fault to find with it. When it came to the turn of Bruce's partisans, the first on the list, the Bishop of Glasgow, "made some faint demur"; 'at one time he had believed in Bruce's claims, but as the judgment was now put he assented to it.'[5] The rest followed suit. "The material feature in this discussion is, that while it went forth that the question of the Succession was remitted to a hundred and four arbiters, eighty of them being of Scotland and twenty-four of England, the eighty of Scotland were allowed no opportunity of giving either a judgment or an opinion on any of the great questions brought to decision."[6]

Law of Descent.

The claimants were then called in,[7] and the provisional judgment formally uttered. But that did not make Balliol King of Scotland: the case had yet to be argued as between him and those who maintained that the crown of Scotland was partible. Then Bruce, "estopped" by his previous pleadings from averring that the Crown of Scotland was divisible, now came forward to argue that Tyndale and other dependencies, not part and parcel of

Provisional Judgment for Balliol.

[1] "Ke le plus prochein en un degre de saunc, de la secunde fillie, ne forsclost pas le plus loienstein en un degre du saunc de la primere fillie; en qui line la succession demort, de si ke le issue de lui seit defailli"; Rishang. 261; *Fœdera*, I 779.

[2] "Præsentibus domino Rege et toto consilio suo"; Rishang. sup.

[3] Rishang. sup.

[4] "Requisiti fuerunt deinde singillatim quid eis de forma hujusmodi judicii videbatur"; id. 262.

[5] "Respondit quod licet prius motus fuisset per quamplures rationes et evidentias pro Domino Roberto de Brus, et jure suo, tamen audito modo judicio et rationibus super quibus est judicium illud fundatum concordat eidem"; Rishang. 264.

[6] Burton, I 145. In the Great Roll the judgment between Balliol and Bruce is stated to have been given "de consilio auditorum prædictorum et totius consilii sui utriusque regni"; *Fœdera*, I 779.

[7] "Vocatis statim postea."

the 'Regality' of Scotland, were divisible.[1] The Count of Holland, as the heir of Ada, sister of William the Lion and Earl David, sought to exclude the line of David *in toto* by alleging certain treasonable acts committed by him against his lord, King Henry of England, whereby he and his issue had been involved in "that remorseless ban of the English law—corruption of blood."[2]

Nine days were given to the hearing of these far-fetched pleas.[3] At last, on Monday, 17th November, the Great Cause was brought to an end in the hall of the Castle. Roger le Brabazon read the King's judgment. Of the thirteen competitors seven had withdrawn their petitions, and three had been dismissed for want of prosecution. As between the remaining three, the King pronounced that the Kingdom of Scotland was not divisible, and that Balliol was entitled to succeed as the heir at law of Margaret of Norway.[4]

Final Judgment.

King John, however, had yet to be installed and invested with his fief. Two days later Edward issued a writ to the Guardians of Scotland, ordering them to deliver seisin of the realm to John Balliol, saving all rights of the Lord Superior. On the same day the Constables of the castles placed in Edward's hands were required to surrender their charges to Balliol; lastly, the Seal used by the Guardians during the interregnum was broken, as being inapplicable to the new state of things. The pieces were placed in a leather bag and sent to the English treasury, 'for fuller evidence of the Superiority of the King of England.'[5]

On the 20th November Balliol took the oath of fealty at Norham; the formula was afterwards reduced to writing, and authenticated by Balliol's private seal—his regnal Seal not being ready yet. John de Balliol, King of Scotland, by his own mouth, swore fealty for 'the realm of Scotland, which I hold and claim to hold of you . . . and loyally will I do unto you the services due unto you from the said realm.'[6] Next day Edward signed a war-

Oath of Fealty.

[1] Rishang. 272. Four days later he extended his claim. "Sire Robert de Brus demande la tierce partie de tutes les terres de Escoce, fraunchises, e tutes maners de apurtenances hors pris noun e dignete du Roi"; Rishang. 342.

[2] Burton; Rishang, 274. The treasonable acts seemingly were the hostilities prior to the capture of William the Lion at Alnwick.

[3] Rishang. 265–357.

[4] Rishang, 357; *Fœdera*, I 780.

[5] "In signum et evidentiam pleniorem superioritatis," etc.; Rishang. 361–363; *Fœdera*, I 781. The Great Roll still keeps on interpolating the claim of "direct" dominion, which is not to be found in any one of the original documents.

[6] See Rishang. 364; *Fœdera*, I 781. "Ceo oez ws seignur Sire Edward, Rei de Engleterre, Soverein Seignur du reaume de Escoce, que Johan de Bailol Rei de Escoce ws face feaute du reaume de Escoce le quel je teng e cleim tenir de

King John Installed.

rant for the inauguration of the new king on the Stone of Destiny at Scone, on which, accordingly, he was duly enthroned on St. Andrew's Day (30 November, 1292).[1]

Balliol had rendered homage at various stages of the process; he was now required to render it as a King, and he did so, accordingly, on the 26th December, at Newcastle, where he kept his Christmas with Edward. The formula of the homage was in accordance with that of the fealty already sworn. King John declared himself the 'man' of Edward, Sovereign Lord of Scotland, for the realm of Scotland and its appurtenances, 'which I hold and claim to hold of you and of your heirs, Kings of England, for myself and my heirs, Kings of Scotland, heritably.'[2]

Fresh Homage.

In reviewing Edward's conduct to Llewelyn we had to ask, with some doubt, whether the King had given the vassal Prince a fair trial. With regard to his dealings with Balliol, Edward, before leaving Berwick, made it perfectly clear that he did not intend to give King John of Scotland any trial whatever, and that he was prepared to treat Scottish nationality much more summarily than he had ventured to treat Welsh nationality.

In October, 1291, a certain Marjery Moigne, of Berwick, had brought an action before the Guardians of Scotland to recover a sum of money from one Roger Bartholomew, also of Berwick. The suit went against Roger, whereupon he was advised to try an appeal to the King of England. Roger lodged his appeal on the 7th December, 1292.[3] Edward, without demur, ordered the record of the original proceedings to be brought up for inspection in his court.[4] John at once appealed to the treaty of Brigham, which provided that no native of Scotland should be required to plead to any suit, civil or criminal, out of the realm; and he humbly requested the King of England to keep his promise in that respect. Sir Roger le Brabazon brought down the King's answer. He had strictly kept all his promises, as the Scots well knew; but it was clearly within his province to review the decisions of the judges whom he himself, as Lord Superior, had

Scottish Decisions to be Reviewed in London.

Edward not to be bound by Treaty of Brigham.

ws . . . e leaument ws frai les services a ws deuz du reaume de Escoce avant dit." In the last oath taken to Edward by Alexander III at Tewkesbury the fealty was indeterminate, and the services were expressly limited to the English estates.

[1] *Fœdera*, I 785; W. Hemingb. II 39; Rishang. 135; J. Fordun, 321. It was the hereditary right of the Earl of Fife to place the King on the Coronation seat; but as he was a minor Edward appointed commissioners to do the office for him.

[2] See the words in the original French; Rishang. 239; *Fœdera*, I 782.

[3] "The whole case will be found in Ryley's *Pleadings in Parliament*," p. 146; Burton; also in Stevenson's *Documents*, I 377, and Rot. Parl. I 107.

[4] The record was brought up, and judgment was given by the English court on the 22nd December.

appointed in Scotland. The King, however, wished to deal plainly with them, and therefore he let them know at once that, though he had submitted to be bound by certain promises, made for a time, and while the throne of Scotland was vacant, now that a King had been appointed, he did not intend to be hampered by those promises for the future; and that he was determined to hear appeals, or any other questions, properly brought before him from Scotland.[1] To convince the Scots more thoroughly of his purpose he sent for Balliol's advisers, and, addressing them in French, told them that no promise, concession, or ratification ever placed on parchment should keep him from hearing appeals from Scotland, or otherwise exercising his rights of overlordship (31 December).[2] He further warned them that he should cite the King of Scotland to appear in England as and when he might think fit.

With a mind so fully made up, Edward seems to have felt that it would be a mistake "to leave on record an agreement by which he had become bound to observe the independence of Scotland, and had especially engaged that no Scotsman should be cited as a litigant into England." On the next day but one (2 January, 1293) Balliol, for himself, his heirs and all others in any way interested in the matter, cancelled the treaty of the 28th August, 1290, releasing Edward and his heirs from every 'article, concession or promise' therein contained.[3] By this weak concession King John signed his own doom. The liability of being summoned to London on appeals from the Scottish courts was a hardship to which the Scots could not possibly submit.

The Treaty Quashed.

King Edward returned to the South, while King John went off to the wild unresting North, to rule for a few brief months 'as a lamb among wolves,' and to endure every insult that wounded Scottish pride could devise for the mortification of the alien King thrust upon them by Southern spears.[4]

Some events of general interest may here be mentioned. On the

[1] "Licet nuper vacante dicto regno Scotiæ quasdam promissiones fecisset ad tempus, non intendit aut vult, Rege jam in eodem regno creato, per easdem deinceps artari amodove ligari," etc.

[2] "Non obstantibus promissionibus concessionibus confirmationibus quibuscunque litteris seu instrumentis vallatis," etc.

[3] *Fœdera*, I 783, 784. With this release the Great Roll of Scotland ends. Balliol was allowed to take seisin of the Isle of Man; id. 785.

[4] See the remarkable passage. "Johannes, insignitus diademate, in Scotiam maturavit. Scoti autem, volentes nolentes, illum ut Regem animo turgenti moleste susceperunt. Illico omnes famulos suos de sua notitia et natione summoverunt, et alios ignotos sibi ad sui ministrationem deputarunt. . . . Ille autem, simplex et idiota, quasi mutus et elinguis . . . non aperuit os suum. . . . Sic degebat inter eos, anno integro, quasi agnus inter lupos"; W. Rishang. 271. Yet Balliol throughout the proceedings was the only one of the Claimants who made any stand for the rights of Scotland, or maintained his own dignity.

4th April Nicholas IV passed away.[1] To the last he kept beating the war-drum for succour to Holy Land.[2] But the tale of the Crusades was told. On the 18th May, 1291, Acre, the last stronghold, had fallen into the hands of the "irresistible Sultan," Malek Khalil Ascraf. By his orders "the churches and fortifications of the Latin cities were demolished and a mournful silence prevailed along the coast which had so long resounded with the WORLD'S DEBATE."[3]

Final Loss of Palestine.

On the 25th October (1292) Robert Burnel, the Chancellor and Bishop of Bath and Wells, died at Berwick. He had held the Great Seal for eighteen years. "No Chancellor before him had ever held the Seal so long, or retained so uninterruptedly his sovereign's confidence." Fewer men still have ever served a royal master so faithfully, without forfeiting the goodwill of the people.[4] Of course Burnel died rich. Officials in those days always died rich. If rumour spoke truly he had a goodly family of sons and daughters. If so, we can understand why two Popes refused to accept him as Archbishop of Canterbury.[5] John Langton, Master of the Rolls, was appointed to succeed Burnel as Chancellor.[6]

Six weeks after the death of the Chancellor, the Church of England lost its head, viz., the Franciscan Archbishop Peckham, who died at Mortlake on the 8th December.[7] The Canterbury Chapter received their *congé d'élire* in due course, and on the 13th February, 1293, elected Robert of Winchelsey, Archdeacon of Essex.[8] Owing, however, to the vacancy of the Papal Chair his appointment was not confirmed for nineteen months.

[1] Flor. Cont. 264; H. Nicolas. Nicholas IV fixed the beginning of the year at Rome at Easter.

[2] See Dunst. 366, 367, and B. Cotton, 199–226.

[3] Gibbon, ch. lix; see also Trevet, 318; Wilken; and the letters of the Sultan and the King of Armenia, Cotton, sup.

[4] "Regi tam utilis, plebi tam affabilis, omnibus amabilis, vix nostris temporibus illi similis invenietur"; Worcest. 510. "Populo affabilis in responsis, sed supra modum, ut dicitur, lubricus habebatur;" Dunst. 372; Foss, *Judges*, III 3, 63.

[5] Dunstable, sup.

[6] The Great Seal was delivered to him on the 17th December, 1292. "John de Langton is the first person to whom the title of master or keeper of Rolls can be distinctly traced." Foss, III 272.

[7] Gervase, Cont. II 300; *Reg. Sacrum.*

[8] Gervase, Cont. II 301; Wilkins, *Conc.* II 189.

CHAPTER XXV

EDWARD I (*continued*)

A.D. 1293–1294.

Citation to London of King of Scots—Privateering Warfare between English and French Seamen—Edward cited to Paris—Surrender of Gascony on terms—Breach with France and preparation for War—Seizure of Merchants' Wool and Church Treasures—Clerical Parliament and grant of a Moiety—Lay Parliament and grant of a Tenth.

THE precedent set by Roger Bartholomew did not long lie dormant. The news that litigants disappointed in Scotland might find justice elsewhere was too good not to spread. On the 10th February, 1293, King John held his first Parliament at Scone, and there a fresh legal difficulty cropped up. One Macduff, the younger son of Malcolm, formerly Earl of Fife, was charged with having taken forcible possession of certain lands in Fife [1] which were in the King's hand, owing to the minority of Duncan, the actual Earl of Fife, to whom they belonged. Macduff pleaded that the lands had been granted to him by his father Malcolm. The Barons rejected his plea, condemning him to imprisonment for his trespass.[2] Macduff at once appealed to Edward, alleging that judgment had been given in his favour in this same matter by the Guardians of Scotland, under a writ issued by Edward from Berwick.[3] About the same time another appeal was brought to the English court by one John Mason, a Gascon merchant, who alleged that he had been refused justice in the matter of a large sum of money due to him by Alexander III.[4] Balliol was summoned to England to answer both these complaints. He failed to appear, and thereupon a fresh citation was issued, requiring him to present himself within fifteen days after Michaelmas.[5]

Fresh Appeals from Scotland.

King John Cited.

So with much appellate business in prospect Edward thought it

[1] Kilconquhar, Fordun, 321; Ceres and Crey, *Fœdera*.
[2] *Fœdera*, I 786.
[3] *Fœdera*, I 788.
[4] Id. 787.
[5] *Fœdera*, 788. Later in the year two cases came up from the Isle of Man; d. 789, 793.

proper to draw up special Standing Orders for the regulation of Scottish appeals. The rules laid down are, in several respects, very remarkable. They make the King of Scotland a party to every suit brought under review; they require his attendance to justify the proceedings of the inferior court;[1] they make him personally liable in damages, both to the appellant, and to the Lord Superior, for any miscarriage of justice.[2] Scotland, forsooth, was to be treated as an English fief, an English earldom or barony. But the King could not have ventured to apply his Standing Orders to appeals from the private courts of his own born subjects. Even if he had enjoyed an undoubted right of hearing appeals from Scotland, these regulations would nevertheless have been something unheard of in the history of appellate jurisdiction. They can only be taken as proof of a settled purpose of driving Balliol to extremities.

Standing Orders for Appeals from Scotland.

On the 2nd August King John held a second Parliament at Stirling.[3] Two more appeals to England were the result. During the session the King was formally served by the Sheriff of Northumberland with the renewed citation to answer Macduff's complaint.

In the face of the Standing Orders Balliol did not venture to neglect the summons. He duly presented himself in Parliament at Westminster in the latter part of October.[4] Confronted with Macduff he was asked what he had to say for himself. He answered with creditable firmness that he was King of Scotland, and that on any point concerning his realm, he dared not and could not answer in England, without the advice of the good men of his kingdom.[5] Macduff then pressed for judgment by default. Addressing Balliol, Edward reminded him that he was his liege man for the Kingdom of Scotland, and that he had been brought there expressly to answer, or to show cause why he should not answer. Balliol, however, persisted in refusing to answer, without the advice of his subjects. An adjournment was

King John again Cited.

He Refuses to Plead.

[1] It is not clear whether he was to be allowed to appear by attorney in all proceedings, in some cases it is clear that he was. "In hoc casu habeat attorn' secundum consuetudinem curie anglicane."

[2] Rot. Parl. I 110. Other curious regulations were, that if the King of Scots did not appear on the second summons, he should lose the cognizance of the original cause, and be 'amerced' at the royal pleasure; that if he were convicted of an unjust decision in a suit relating to lands, he should forfeit to the King of England all direct Crown rights over those lands, etc.

[3] *Fœdera*, I 791.

[4] Edward came to Westminster 25 October and remained there till the end of November; *Itinerary*. The sitting was held at York House, formerly the residence of Hubert de Burgh; left by him to the Black Friars, and sold by them to the Northern Primate. On that historic site Whitehall now stands.

[5] "De aliquo regnum suum contingente non est ausus, nec potest, hic respondere inconsultis probis hominibus regni sui."

then suggested, to allow him to consult his lieges. Waxing bolder he declared that he would take no day, no adjournment.

The Court then, after considering their decision, declared themselves of opinion that the King of Scots, by refusing to plead, had made himself guilty of gross and treasonable contempt of court: that he ought to be 'amerced' at the King's pleasure, and that the three chief castles in Scotland ought to be taken from him until he had purged his contempt. As for Macduff, they were of opinion that judgment should be given for him, subject to the production of formal proof of his case.

At this point the King of Scots was induced to give way so far as to ask for an adjournment, to consult his people, while a form of words was set to him. Once more by his own lips he declared himself Edward's 'man' for the Kingdom of Scotland.[1] Edward assented, and the Morrow of the Holy Trinity was fixed as the day for the adjourned hearing (14 June, 1294). But the adjourned hearing was not to be, as we shall find.

Case Adjourned.

While Edward was thus endeavouring to adjust the relations of the Crown of Scotland to that of England by applying the maxims of feudal land-law to international politics, an astute and enterprising neighbour had been taking a hint for the guidance of his own policy. During the reign, till now, the relations of France and England had been kept on a satisfactory footing by Edward's care. On his return from Palestine he had gone to Paris and done homage. In 1279 the fullest execution practically possible had been given by Philip to the cessions under the treaty of Paris. Between 1286 and 1289 Edward had given more than three years of time, and undertaken heavy liabilities to adjust questions in which France was interested. Philip however showed little sense of the obligation, his attitude towards Edward becoming distant, if not disquieting. He complained that the homage rendered in 1286 was not 'liege homage,' as it should have been, and he was content to address Edward simply as 'Duke of Guienne and Peer of France.'[2] But of course, with the English established in Gascony, the relations of the two kingdoms could never be cordial. Nevertheless, but for the tempting precedent set by the King of England, mere privateering warfare need not have involved an actual breach. Thus we hear of Flemish sailors attacking men of Bayonne; and of the Gascons retaliating,

Philip the Fair.

Relations with France.

Privateering Outrages.

[1] "Sire je suis vostre homme du Reaume de Escoce e vous pri que de ceo que vous mes avez mis adevant, que touche les gentz de mon Reaume ausi come moi, voilles mettre en soufrance jusques autant que je eie a eaus parle," etc.; Rot. Parl. I 112; Palgrave, *Documents*, p. 145.

[2] See *Lettres de Rois*, Champollion-Figeac, I 342; Pauli. See also Martin, *France*, IV 386.

with the help of men from Yarmouth, and the Cinque Ports, without ulterior consequences ; [1] and again a year later we hear of a piratical attack by Frenchmen upon Dover.[2] In these and similar cases the interests of the rulers in general combined to work for peace. It proved otherwise in the case of a quarrel that broke out in 1292. There a spark kindled a conflagration. The trouble apparently originated in a trivial incident, a squabble at a watering place, on the coast of Brittany, between an English subject and a Norman, in which the latter was stabbed with his own dagger. The English were driven to their ship, which was pursued and captured, and the crew massacred. Further reprisals on the part of the French followed, in the course of which we hear of an Englishman being hung at the yard-arm of a ship, side by side with a dog.[3] The English retaliated by an organized attack on French and Flemish shipping in the harbour of Sluys, the Flemings having generally sided with the French.[4] The whole seaboard from Holland to the Bay of Biscay was shortly in a state of confusion and alarm.[5] Edward, who was quite alive to the gravity of the situation, and its possible consequences, straitly charged his subjects not to molest the men of the King of France ; while Philip proclaimed in the streets of Bordeaux that he would not tolerate any attack on men from England or Ireland. Still the hostilities continued.[6] According to the English seamen, a merchant fleet, trusting to these proclamations, set sail from Portsmouth for Bordeaux on the 24th April, 1293. Detained at Saint Mathieu near Brest by foul winds, they were attacked by a Norman fleet from the Charente. Ostensibly laden with wine, the Frenchmen were fully equipped for war, with turrets or crow's nests on their poops and forecastles, and at their mast-heads, while the red buccaneer "streamer" fluttered aloft.[7] After a desperate struggle the English gained the day. Thirty prizes were taken into Yarmouth alone.[8] Nine days later we hear of another regular action, with a like ending,

Efforts of the Government.

Regular Naval Actions.

Victories of the English.

[1] A.D. 1290. Flor. Cont. II 242 ; B. Cotton, 174, 178.

[2] 1291, Chron. London (Aungier), 23.

[3] February–March, 1292, Rishang. 130, 131 ; W. Hemingb. 41 ; and the claims put in by the English seamen in 1298, Champollion-Figeac, *Lettres de Rois*, I 592–594.

[4] W. Hemingb. sup.

[5] See Champollion-Figeac, sup. The Cistercian Abbots were afraid to cross the Channel to attend the annual Chapter at Citeaux ; M. Westm. III 86.

[6] Pat. R. 21 Ed. m. 14 and Cl. R. m.. 8, Pauli ; and the long list, Champ.-Fig. 394, 395. The dates in the latter seem to have been wrongly copied from the originals by the transcriber.

[7] "Banères desploies de rouge sendal, chascune banère de II aunes de large et XXX de lonc, lesqueles banères sount appelés baucans, et la gent d'Angleterre les appelent stremeres, et celes banères signifient mort sans remede" ; Champ.-Fig. 396. Does the word "baucan" give the origin of "buccaneer" ?

[8] Friday, 15 May ; Champ.-Fig. sup. ; Flor. C. II 267 ; Rishang. 137.

in which Dutchmen, Flemings, Irish, Gascons and Genoese are said to have taken part.[1] Yet again we hear of a wanton attack by men from Blankney upon Dutch shipping at Sniterleye. But the outrage was too flagrant. Edward, on the complaints of the Count of Holland, at once directed a judicial enquiry, with the result that thirteen men were hung for the murder of Dutchmen.[2]

The English accused Charles of Valois, the French King's brother, of fomenting the disturbances ;[3] while the French blamed Edward ;[4] but he most assuredly was not guilty. Henry de Lacy, the Earl of Lincoln, and the King's brother, Edmund of Lancaster, who happened to be abroad, were instructed to press Philip to concur in measures for stopping the disturbances.[5]

Negotiations.

Philip probably knew well enough what line he meant to take—no French King could acquiesce patiently in the occupation of Gascony by the English—but he began quietly. First an envoy appeared in London, who talked of restitution and the prevention of further disorders.[6] The next embassy demanded the surrender of the captured ships, a heavy sum of damages, and the delivery of all belligerent Gascons, as undertenants guilty of making war on their overlord. The Bishop of London, Richard of Gravesend, was charged to deliver a diplomatic answer. The courts of the King of England were open to all who thought themselves aggrieved. If desired, the King would be happy to make out special safe-conducts for the men of the King of France to enable them to sue. If this should not satisfy Philip, the Bishop might suggest an arbitration, or a personal meeting between the two monarchs, or a reference to the College of Cardinals, the Papacy being vacant.[7] Philip would not listen to any of these suggestions. He insisted upon immediate satisfaction. He required a certain number of Gascons to be delivered up to him at Perigueux. He sent a herald down to Agen, and publicly cited Edward to appear before his court in Paris. The summons not having been attended to, the Count de Nesle, Constable of France, was instructed to

Philip's Demands.

Edward Cited.

[1] 26 May ; Flor. C.

[2] B. Cotton, 227, 228 ; *Fœdera*, 793. The writ is dated 26 November.

[3] Ann. London, 101 ; W. Hemingb. II 42 ; Westm. sup.

[4] G. de Nangis, I 280 ; Pauli.

[5] Rishang. 136 ; Trevet, 325. On the 6th May Edward borrowed 10,000 marks (£6,666 13*s.* 4*d.*) to be sent to Edmund for the King's business ; *Fœdera*, 788. See also Calendar Pat. R. III 16, 18, 30.

[6] " Ad tranquillitatem inter ipsos habendum . . . et faciendum restitutionem fieri dampnorum hinc inde illatorum " ; Tower MS. No. 1588, Pauli ; Champollion-Figeac, I 424, under 1297. This offer apparently led to the statement of the English seamen above cited, which ends by claiming damages.

[7] 15 July, 1293 ; Champ. *Lettres*, I 404, 424 ; N. Trevet, 326 ; Rishanger, 139 ; De Nangis, I 282.

sequestrate Aquitaine for contempt of court. The resistance of Edward's Lieutenant to the execution of this mandate supplied a further *gravamen*. The reader will remember that in 1286 Philip had pledged himself to take no advantage of any decision given in his courts on appeals from Aquitaine against Edward, his seneschals or lieutenants.[1] He now proceeds to invite appeals from the Gascon Courts, in violation of this pledge; just as Edward had invited appeals from Scotland, in contempt of the treaty of Brigham. The Gascon officials, of course, threw difficulties in the way of persons proposing to appeal to Philip, and by so doing laid themselves open to charges of cruelty and oppression towards suitors of the King of France. In short Philip soon had, on paper, an overwhelming case against the Duke of Aquitaine. Once more Edward was cited with every formality to appear in Paris within twenty days after Christmas.[2]

Aquitaine to be Sequestrated.

Peremptory Citation.

Compliance or non-compliance with this citation now became the question for Edward. Of an immediate invasion of Gascony he, perhaps, was not so much afraid, the province having been prepared for war by his Lieutenant, John St. John. But if he demurred to the jurisdiction of his Overlord he destroyed his own case against Balliol. At the same time he might well hesitate to submit his rights to the decision of the Parliament of Paris. The Earl of Lancaster therefore, was instructed to exert himself for an amicable settlement, even if he had to make some sacrifices for it. As the husband of Blanche of Artois, Queen of Navarre, and mother of Jehanne or Jeanne, the reigning Queen of France, Edmund was specially suited to act as negotiator.

Lancaster as Negotiator.

The withdrawal of the citation was the great point for which Edward strove. A marriage was proposed between him and Marguerite, the sister of the King of France—Aquitaine to be settled on the issue of the marriage.[3] But Edmund, as he himself tells us, did not make much way with his negotiations till the ladies came forward. Queen Jehanne and the Queen Dowager Marie, the widow of Philip III, took him in hand, and gave him to understand that Philip only wanted a formal submission to save his honour, and that if twenty hostages, ten specified border towns, with a representative officer in every city and town,[4] were delivered to him *pro forma*

The French Queen's Proposal.

[1] *Fœdera*, I 665; above, 328.

[2] See the citation with the facts there recited; *Fœdera*, I 793; issued about the end of November, Westm. III 87, 268.

[3] See the voluminous treaty propounded; *Fœdera*, I 795.

[4] "Q'il lu meist par les lieus un homme ou deus, mas que la force demorast devers les gentz mon seignur le Roy d'Engleterre."

for forty days,[1] then, that the King of France would recall the citation, give Edward a safe-conduct for a meeting at Amiens, and finally, at the request of the Queens, restore the ceded towns and the hostages.

The terms having been reduced to writing, Edmund said that he must have some security.[2] After some discussion it was arranged that a secret treaty to the above effect should be executed in duplicate, one copy being signed by Queen Jeanne and the other by Edmund.[3] This was done, the Queens further pledging their personal honour for the observance of the terms.[4] The treaty was immediately sent over to Edward, who answered it by letters patent, ordering the Seneschal of Gascony to obey Edmund in all things necessary for the honour and satisfaction of the King of France [5] (1 January, 1294). Edmund, however, still hesitated about yielding Gascony even *pro forma*. Before acting on his brother's authority he said that he would like to have some personal assurance from the King of France himself. Accordingly the King of France came in the most graceful and condescending manner, and visited the Earl in his quarters, where he was sitting with his wife and the Earls of Lincoln and Oxford. In their presence, so Edmund asserts, Philip promised him that, as he was a loyal King, he would keep all the terms.[6] He also verbally recalled the citation on the spot, telling the Bishop of Orleans to see that it was formally recalled in the Hall of the Parliament of Paris. Edmund then forwarded the mandate of the 1st January to St. John, the King's Lieutenant of Gascony, with directions to give effect to the stipulations of the treaty.[7] On the 22nd March the Count of Nevers with an army at his back appeared at Bordeaux, to take possession. He insisted upon unreserved delivery of the whole Duchy. The Gascon officials were dismayed, but they were powerless to resist, while the orders delivered to them through the Seneschal seemed to leave them no option. Fealty was

Edward Assents to it.

Philip Pledges Himself.

[1] So Cotton, 232; Hemingb. II 44; Dunst. 384; Westm. III 87; Gervase Cont. II 305.

[2] "Nous demandons seurté des choses desusdites."

[3] "Que l'escrit que nous averions feust merchiez de la maine la Royne Johanne," etc.

[4] "Que eles nous fianssassent par la foye de leur corps . . . leur fiances donneces en nostre maine."

[5] See Edmund's account of the whole affair; *Fœdera*, I 793, 794, also Edward's declaration of war; *Fœdera*, 807.

[6] "e nous promist sicome il estoit loiaux Roy que il nous tendreit toutes cestes choses desusdites."

[7] 3 February. "Pur prendre e avoir la sessine de doumeines et des jostices, on meien e sans meien, del dit nostre seignour le Roy e duc es cites es chateaux et villes de la dite duchie"; *Fœdera*, sup.; Champ.-Fig. sup.; on the 3rd March St. John forwarded the order to John Havering, the Seneschal of Gascony; Champ.-Fig. sup.

The French take Possession of Gascony.

sworn to the French Constable, on behalf of his master.[1] A French Mayor was installed at Bordeaux, a French Seneschal set over Gascony, and the whole province shortly found itself in French hands. St. John had already sold off his stores, and gone home in disgust.[2] The forty days elapsing, Lancaster began to remind the Queens of their engagements. Even yet for a while the deception was kept up. In private Edmund was pressed to excuse refusals given in public out of regard for persons opposed to the restitution. At last the mask was thrown off, and the Bishops of Orleans and Tournay told the Earl plainly that the King of France would restore nothing, and that it would be wasting time to pester him.[3]

Lancaster Duped.

In vain Edward, in the agony of suspense, went on pilgrimage to shrines, and called for public prayers for the success of his negotiations.[4] In vain he appealed to French magnates to intervene on his behalf for the restitution of Gascony and the hostages.[5] On the 5th May Philip took his seat in the Hall of the Parliament of Paris, and, to put his title to Gascony beyond the reach of cavil, renewed the citation of the previous year, produced a fresh list of charges against Edward, declared him contumacious, and issued a peremptory order for his appearance once more within fourteen days of Christmas.[6]

Edward Cited Afresh.

War, bitter war, on the largest scale, was now inevitable. The Earl of Lancaster came home. Even the English students in Paris were recalled.[7] Edward set about his preparations with his usual vigour. On the 28th May he informs the Count of Flanders that the English ports are no longer open to his subjects. On the 2nd June he notifies King John of Scotland that an embargo has been laid upon all shipping in the ports of England, and requests him to see that not a man or a vessel be allowed to sail from any harbour in Scotland.[8] At Whitsuntide (6 June, Whit Sun-

Preparations for War.

[1] See the official record of the proceedings; Champollion-Figeac, II 152.

[2] Rishang. 141; Trevet, 330.

[3] See Edmund's simple narrative, which seems, on the whole, trustworthy, though he does not explain why he ceded more than the treaty required him to cede. Pauli, II 83, accepts his account, and Martin, *France*, IV 402, 403, accepts most of it. Lavisse treats the episode as one of hopeless contradiction between authorities, and solves the difficulty by quoting a writer to the effect that already (*déja*) in the thirteenth century the "*perfidie*" of the English was notorious. This calumny might be coupled with the French belief that the English had tails.

[4] *Fœdera*, I 796; Flor. Cont. III 268.

[5] Champ.-Fig. *Lettres*, II 429.

[6] *Fœdera*, 800.

[7] M. Westm. III 86.

[8] *Fœdera*, I 801.

day) a Grand Council or Parliament of military tenants was held at Westminster, when war was unanimously agreed on, and money promised "almost enthusiastically." [1] Balliol undertook to contribute the revenues of his English estates for three years; others were equally liberal in proportion.[2] Two learned Doctors, a Dominican and a Franciscan, were instructed to renounce Edward's homage to Philip, and declare war.[3] Again, under the sanction of the Council all the wool at the seaports was seized, for an immediate supply of money. The unfortunate merchants soon came in to Edward's terms, and were allowed to ransom their property on payment of five marks (£3 6*s.* 8*d.*) on the last of leather and the sack of superior wool, and three marks (£2) on common wool.[4]

Wool Seized.

The King's next step, apparently, was to provide for the defence of the coasts, by the appointment of "admirals" to take charge of the Eastern, Southern and Western Fleets respectively, a novel departure in English naval history, the title of Admiral being also new.[5] For the manning of the fleet impressment was resorted to, while a respite from molestation was offered to all outlaws and gaol-birds who would serve in Gascony at the King's expense.[6]

Defence of Coasts.

On the 14th June the King called out some 200 military tenants to meet at Portsmouth on the 1st September.[7] Agents were accredited to all the Western Courts of Europe, to negotiate a general coalition against France, like that of King John in 1214. Adolf of Nassau, the King of Germany,[8] James II of Arragon, Sancho IV of Castile, Siegfried Archbishop of Cologne, Florence

Foreign Alliances.

[1] Stubbs, *C. H.* II 130; Worcest. 515; B. Cotton, 233; Westm. 88. No writs are extant for this so-called Parliament, which seems to have been only a Council of Military tenants; Palgrave.

[2] M. Westm. III 88, 272.

[3] Rishang. 142; *Fœdera*, 807, 20 July; Gervase, II 307.

[4] W. Hemingb. II 54; Ann. Worcester, 516; and especially the order for release, dated 26 July, B. Cotton, 245. The agreement with the merchants was probably effected "in an assembly of merchants such as we shall find later becoming more and more common"; Stubbs, *C. H.* II 131. The sums paid would be fully half the value of the wool. See Roger's *Prices*, I 388.

[5] Rishang. 143; Cotton, 234. "Amiral par l'assent des barons de Cinque Ports"; Stevenson, *Documents*, II 430.

[6] See the Writs, 8, 10 June; Cotton, 235–237; Westm. III 89. The King soon had his hands full of these worthies. But the unfortunate men were to stand trial on their return, if they should survive the campaign; Calend. Pat. R. III 107.

[7] *Parly. Writs*, I 259–262; *Fœdera*, I 801–807. The leading Scotch, Irish, and Gascon barons were called out. From ecclesiastics, and others incapable of serving in person, the King took the enormous scutage of 100 marks the fee, i.e., 2½ marks (30 shillings) a day for 40 days; Flor. C. II 271.

[8] For the treaty sealed with Adolf see *Fœdera*, 812; Cotton, 240–245. He was elected in 1292 in succession to Rudolph, who died in 1291.

Count of Holland, were all invited to join. In John II, now Duke of Brabant, and Henry III, Count of Bar, Edward had sons-in-law ready to help him. With Savoy, Provence and Burgundy relations had always been cordial.[1] £22,000 were delivered to the Duke of Brabant to be expended in raising mercenaries in Savoy and Burgundy;[2] while the hand of the King's son Edward was offered to Philippine, the daughter of Guy of Flanders, in the hope of winning the Count from his recent leanings towards France.[3]

Church Treasures Seized.

For the funds needed to cement these alliances Edward proceeded to lay sacrilegious hands on the ready money of the clergy, 'borrowing' all treasure to be found in the sacristies of the monasteries, hospitals and collegiate churches throughout the kingdom; the proceeding was politely termed a "scrutinium" or inventory.[4]

Troops Sent to Gascony.

From the 29th June to the 21st August Edward remained on the Hampshire coast, superintending the equipment of an advance-force for the recovery of Gascony, under his nephew, John II, Count of Brittany, as King's Lieutenant, and John St. John, as Seneschal of the Duchy. They were entrusted with letters to the Gascon barons, apologizing for Edward having surrendered the province without consulting them, promising early help, and calling on them to rally for the defence of his rights.[5] This armament having been fairly started, the general muster was adjourned to the 30th September.[6] But with all his energy Edward could not carry everything as he wished. The advance-force encountered storms, and was driven into Plymouth Harbour, not to get off again till the second week of October.[7] Then disquieting rumours began to come in from Wales; while the Scots were understood to be turning their eyes towards France.

Not content with having seized all the ready money of his clergy, Edward now proposed to make heavy demands on their incoming

[1] See *Fœdera*, I 802, 803; Flor. C. II 270, 271. John of Brabant had succeeded to the duchy in the spring, through the death of father, but he was still living in England with the Lady Eleanor; Green, *Princesses*, II 310.

[2] *Fœdera*, 802, 808.

[3] Id. 802, 803. See also generally Pauli, II 86–89.

[4] Dunst. 390; Cotton, 237; Flor. C. II 271. "Scrutinium execrandum et horrendum"; Westm. III 89, 274; 28 June–11 July. Lay funds were not spared either; Flor. sup. On the Pell Receipt Roll for the term (Easter, 22 Ed. I) we have £10,795 16*s*. 4*d*. entered for 'loans,' so styled "tempore scrutinii per Angliam."

[5] *Itinerary; Fœdera*, I 805, 806.

[6] *Fœdera*, 808.

[7] Hemingb. II 273. I pay no attention to the strength of the force as given by the writer, 500 men-at-arms and 20,000 foot.

revenues. The estates of all Houses dependent on foreign Chapters (Priories Alien) were taken into hand, the clergy being put upon bare pittances ; [1] while on the 19th August writs were issued summoning the clergy of both Provinces to meet at Westminster, in one assembly, on the 21st September ; the parochial and cathedral clergy to be represented by elected proctors.[2] When the assembly met the King came forward, and, after apologizing for his recent acts under the plea of necessity, asked for a subsidy. An adjournment was granted. On the third day the clergy offered two Tenths for one year. Edward's answer to this very liberal offer was "that they must pay half their entire revenue or be outlawed." The unfortunate clergy were as sheep without a shepherd, having no leaders. Canterbury was still vacant, Winchelsey not having yet been installed ; the Archbishop of York, John le Romayne, was a time-server ; [3] the Archbishop of Dublin, John of Sandford, and Anthony Beck of Durham were away on the King's embassies. The Dean of St. Paul's, William of Montfort, one of the King's creatures, having been charged with an unpalatable message to him, fell down in a fit, and died at his feet.[4] John of Haveringe, a knight, entered the Refectory where the clergy were deliberating, and called for any traitor who resisted the King's demands to stand up and show his face.[5] Still the clergy endeavoured to make terms. "If the Statute *de Religiosis* were repealed they would make the sacrifice." The King's answer was ready 'The Statute had been enacted by the advice of the magnates and could not be repealed without it.' Some minor demands he granted, and then the clergy bowed to the cruel exaction.[6]

Priories Alien Seized.

Clergy to yield half their Revenues.

When the 30th September came the condition of Wales made it impossible for the King to sail to Gascony. The muster at Portsmouth was countermanded, Welsh levies sent home, and writs issued for a Grand Council to meet at Worcester on the 21st November to concert plans ; while the military tenants were required to have their contingents ready by the end of the same month, some at Chester, some at Brecon, and some at Car-

Troubles in Wales.

[1] Chron. Lanercost, 156 ; Flor. C. 273. Only the Cistercians were spared. The Priories Alien were a novel source of revenue, but one destined to become permanent. See also Cotton, 300.

[2] *Parly. Writs*, I 25, 26 ; *Fœdera*, 808.

[3] Hemingb. II 56.

[4] "Subita percussus passione." Flor. C. II 274 ; M. Westm. III 90 ; Worcester, 517.

[5] Westm. sup. ; Cotton, 249 ; Gervase, Cont. II 308.

[6] Hemingb. II 55–57 ; Stubbs, *Const. H.* II 131 ; Wilkins, *Conc.* II 200. The writs for the collection are dated 27–30 November, Cal. Pat. R. III 89 ; a nominal return of the consenting clergy follows, giving apparently a Clergy List for the year, id. 89–125.

diff. Commissions of array for raising foot soldiers were also issued, similar to those issued in 1282 and 1283.[1]

Parliament.

The King turned the interval to account by calling for a Parliament, and asking for further supplies. The sheriffs were required to return four knights from each shire, but not any representatives from the cities or boroughs. Edward specially requested that the men returned should be armed with due powers for binding their constituents in all things, 'so that there be no delay.'[2] The laity came more readily to the point than the clergy had done, and "they fared better; they had had their warning."

Grant of a Tenth.

They made an immediate grant of a Tenth of their movables.[3] From the cities and boroughs a Sixth was collected "by separate negotiations conducted by the King's officers."[4]

Unconstitutional and violent as the King's acts of the year had been, they nevertheless carried with them a recognition of the people's right to be represented in their proper assemblies; and also of the need of their consent to taxation; "two steps which were never revoked."[5]

[1] *Parly. Writs*, I 265, 266.

[2] *Parly. Writs*, I 26; *Fœdera*, I 811; Stubbs, *C. H.* II 132.

[3] *Parly. Writs*, I 27, 391; Cotton, 254. The writ is dated 12 November, the day that Parliament met; Flor. Cont. II 275; M. Westm. 91. Clergy who owned property not annexed to their churches, and who had not been assessed for the Moiety, would contribute, but not villeins, nor persons not worth tenpence; "X souz."

[4] *Fœdera*, I 815; Stubbs, sup.

[5] Id.

CHAPTER XXVI

EDWARD I (*continued*)

A.D. 1294–1295.

Fourth Welsh War—Robert Winchelsey, Archbishop of Canterbury—Force sent to Gascony—Breach with Scotland—Meeting of First Complete Parliament.

As already mentioned, the state of Wales had obliged the King to countermand the main army intended for Gascony, and in lieu thereof to call for levies for an expedition to Wales. With true Celtic cunning the Welsh had fixed on Michaelmas Day, the day before the King's intended sailing, for their rising.[1] Three chieftains sprang up to lead the men of Northern and Southern Wales. Once more a scion of the House of Jorwerth, Madog by name, burst from 'Snowdun,' and fell upon Carnarvon; in West Wales one Mailgwn led the insurgents of Pembroke and Carmarthen; while a Morgan appeared to harry the Glamorganshire estates of the Earl of Gloucester.[2]

Welsh Rising.

Again the English in their confidence were more or less caught napping. Carnarvon and other castles were stormed and dismantled, and many of the King's men killed.[3] The Earls of Lancaster and Lincoln were sent into North Wales, to try their hands at guerilla warfare, but only to be handsomely defeated, and put to flight in an attempt to relieve Denbigh Castle.[4] On the 21st November the King duly appeared at Worcester; on the 26th he left for Chester. On the 11th December he entered insurgent territory at Wrexham, advancing on Conway by way of Derwen, Llêch in Kinmarch and Abergele.[5] The castle at Conway had withstood the assaults of the Welsh. On the line of the King's march the country was devastated, the stored

English Losses.

Edward in the Field.

[1] Flor. C. II 275; Worcester, 517; Hemingb. II 57. "For he weened Sir Edward over the sea wer gon"; Robt. of Brunne, II 262. For details of the rising see Morris, *Welsh Wars*, 241–270.

[2] Rishang. 144; Trevet, 333.

[3] Hemingb. II 57; Cotton, 253; Flor. C. sup.

[4] 11 November, Hemingb. 58; Trevet, sup.

[5] *Itinerary.*

crops being recklessly destroyed, and that in a time of existing dearth : even churches were burnt. At the crossing of the river Conway, the castle being on the left or Western bank of the river, Edward met with a disagreeable check. A rise of the tide cut him off from the bulk of his army, who were left behind ; he was surrounded by the Welsh at the gates of his castle ; his personal baggage was cut off, and he was reduced to dining off a modicum of bread and water mixed with honey. One small 'costrel' of wine containing a "lagena" (gallon) his attendants had saved, which they proposed to reserve for the King's use, but he refused. 'In time of need all things were in common ; he who had caused the difficulty ought not to fare better than the others.' At the fall of the tide the army came over, and the King was relieved. But short commons continued to be the fate of his followers, and consequent sickness made havoc in their ranks.[1]

Short Commons.

At Conway the King kept a dismal Christmas, the year 1294 closing in general gloom. Commerce was at a standstill, wool unsaleable ; dearth and want, aggravated by crushing taxation, prevailed throughout England. According to the chroniclers, in the autumn old wheat ranged from 16*s.* to 24*s.* the quarter ; but it was not to be bought, and very little new wheat came into the market till after Michaelmas, the harvest being kept back by rains in August and September, while wet weather came on again in spring, keeping back the spring sowings. The mortality through dearth and sickness became very great.[2]

Hard Times.

At Conway, during the Christmas festivities, Edward received the homage of Archbishop Winchelsey, who came there under safe-conduct with a military escort.[3] As already mentioned, Robert of Winchelsey, Archdeacon of Essex, was elected at Canterbury on the 13th February, 1293.[4] But the Papacy was vacant, through the death of Nicholas IV, which happened on the 15th April, 1292. After more than two years of intrigue the Cardinals elected one Pietro Morone, a simple-minded recluse from the Abruzzi, who was held a great Saint. On the 29th August he was consecrated as Celestine V.[5] By him again Winchelsey was

Archbishop Winchelsey.

[1] Hemingb. and Cotton, sup. ; M. Westm, III 91.

[2] Flor. Cont. II 173 ; Rishang. 144 ; Worcester, 519. "Pauperes passim inedia moriebantur" ; Worcester, 519 ; Dunstable, 391. As usual the record prices collected by Prof. Rogers do not come up to the level of the chroniclers' statements. He gives wheat as rising to 12 shillings in the Eastern Counties ; "The highest point hitherto noticed" ; *Prices*, I 192.

[3] Trevet, 334 ; Rishang. 147.

[4] Gervase Cont. II 300.

[5] H. Nicolas. See Flor. C. II 273 ; Cotton, 252, and Milman, *Latin Chr.* V 133.

consecrated at Aquileia on the 12th September; on the 2nd October the Archbishop was finally enthroned at Canterbury.[1]

> "Fro Yole unto Pask werred Sir Edward;
> Grete travail it asks, colde and grevance hard."[2]

So the rhythmic chronicler has it. As a matter of fact Edward remained at Conway, directing the movements of his followers till the 9th April, 1295, when he advanced to Bangor, from whence he crossed over to Anglesey, where he remained till the 6th May, subjugating the Island, and founding Beaumaris Castle.[3] Meanwhile some distinct successes had been scored in other quarters. In February the Earl of Hereford drove a besieging force from the walls of Abergavenny with great loss.[4] In March the Earl of Warwick[5] gained a victory which deserves notice from the appearance of the tactics which were destined to make such havoc of the Scottish infantry. The Welsh, having been surrounded in the open country, arrayed themselves in solid phalanx with grounded spears, to resist the cavalry. In that formation the archers and cross-bowmen mowed them down till their ranks were broken, and then the men-at-arms rode over them.[6] An obstinate resistance was experienced by the Earl of Gloucester, who had made himself unpopular in his palatinate, as it might be termed.[7] The middling gentry on his estates would only submit on condition that they were allowed to hold of the King in future.[8]

Reduction of Anglesey.

Archers against solid Columns.

But if Edward's progress was slow and dearly bought, it was irresistible. We are told that the Welsh acted in better concert than they had ever done before;[9] but we also hear that the King's policy had become more merciful, his aim being to avoid slaughter and exact hostages.[10] We also hear of the cutting down of woods, to open the country. On the 6th May, as already mentioned, Edward returned to Bangor,[11] from whence he moved by easy stages

The King's Clemency.

[1] *Reg. Sacr.*; Gervase, II 311.
[2] R. Brunne, II 263.
[3] *Itinerary*; Rishanger, 148; Trevet, 336.
[4] Worcester, 519.
[5] William of Beauchamp, who succeeded his uncle William Mauduit in January, 1268.
[6] N. Trevet; W. Rishang. sup. The Worcester Annals, 519, give the date as the 5th March, and the site as 'Meismeidoc.'
[7] See the pleadings in the case of the private war between him and the Earl of Hereford, Rot. Parl. I 73.
[8] Dunst. 387; Worcest. 526; B. Cotton, 253.
[9] Cotton, sup.
[10] Dunst. sup.
[11] *Itinerary.*

Progress South.

through Merioneth (Dolgelly, 11, 12 May) and Cardiganshire, burning the Abbey of *Strata Florida* on the way.[1] On the 1st and 2nd June he rested at Cardigan. The event of his progress so far was the submission of Morgan with 700 men, who had been brought to the King's peace by the Earl of Warwick. The latter had been summoned from his camp at Montgomery (13 May) to join forces with the King in Merioneth.[2] The combined march was then continued through Carmarthenshire, by Newcastle Emlyn and Llangadock (June 3–10), into Glamorgan, and the Vale of Neath; from whence Edward advanced to Brecknock, Builth and Clun (16–19 June); and so on by way of Welsh Pool and Oswestry to Chirk in modern Denbighshire. From Chirk he struck across the country for a hasty visit to Conway, Bangor and Carnarvon, with a run across the Menai to Beaumaris (30 June–12 July). Finally the King returned through Denbigh, Chirk and Bridgenorth, and from thence down the Severn by water, to end his campaign at Worcester,[3] with thanksgiving services at the shrines of St. Oswald and St. Wulfstan;[4] just as he had opened the campaign with calls for public prayers for the return of 'more tranquil days' ("*tranquilliora tempora*").[5]

and again Northwards.

End of War.

Madog ap Llewelyn, however, was still at large, but he surrendered on the 30th July. He was sent to the Tower. One Conan, who is styled the fourth leader of the Welsh, was taken at the same time, and sent to the gallows, with two subordinates, the only executions recorded in this war.[6]

But the tranquil days for which Edward prayed were still distant. Before the Welsh had been subdued, war with Scotland had become a certainty; while the lost Aquitaine had not been recovered. Edward had not lost sight of affairs there. In the course of April he had signed agreements for hiring 1,000 men-at-arms from Reginald of Guelders, and 2,000 more from John of Brabant, in both cases for six months' service. He also made some arrangements for a meeting with King Adolf, who had spent Edward's

Subsidizing Allies.

[1] Worcester, 520. The Abbot had undertaken to procure the submission of certain Welshmen; but he kept the King waiting to no purpose till he lost patience.

[2] Worcester, 520; *Itinerary*.

[3] 20 July; *Itiny.*; Worcester, 521. It seems worth while tracing the King's route, if only to show his thoroughness. Only a few pay sheets of the campaign are extant, so that the numbers cannot be given.

[4] Edward offered a brooch worth 11 marks (£9 3*s.* 4*d.*), another worth £5 and two altar cloths (*pannos*). He also vowed maintenance for three monks; and two wax tapers at the Shrine of St. Wulfstan; Worcester, sup.

[5] *Fœdera*, I 815.

[6] 14 September; Worcest. 522; Westm. III 91. Conan feigned leprosy. Edward kept him till the case could be certified.

money on a little war of his own.[1] But the King's officers in Gascony were in need of more effectual succour.

Matters at first wore a promising appearance. John II of Brittany, the King's Lieutenant, with John St. John and 'that most gallant soldier' William le Latimer,[2] finally loosed from Plymouth about the 10th October, as already mentioned. On their way down the French coast they ravaged L'Isle Dieu and Rhé, and recovered possession of Oleron, but not without difficulty, and so entered the Gironde before the end of the month.[3] Events showed that the population on the whole were friendly. Castillon and Macau received them at once; Bourg and Blaye[4] were held down by French garrisons, established in their castles; but the citizens having put themselves into communication with the English, the garrisons capitulated. Bordeaux was too strong to be attacked. Sailing past the city the English finally landed their horses in friendly territory at Rions. Villenave de Rions and Podensac also submitted to them. They then divided their forces, John of Brittany and Latimer remaining to strengthen their hold on Medoc and the Bordelais, while St. John marched off to Bayonne. As Seneschal of Gascony he had made himself popular there; but the French had a considerable party in the city. On the 31st December the English fleet forced the entrance to the harbour; next day the citizens opened their gates, the garrison retiring to the castle. Blockaded there, they came to terms at the end of a week or so. A town given as Saint Jean "de Sordes," perhaps Saint Jean de Luz,[5] also admitted the English. But there the tide was stayed. The men of Béarn would have nothing to say to them. The Viscountess Constance, daughter of the late Gaston de Monçade, and widow of the unfortunate Henry of Allmaine, would have received them, but her people objected.[6]

Force sent to Gascony.

Successes there.

Philip the Fair now began to act. Having raised funds by 'borrowing' his subjects' spare treasures (on Edward's plan), and debasing the currency,[7] in March (1295) he sent an army under his Anglophobe brother, Charles of Valois, to support the Constable Raoul de Nesle. They promptly recovered Podensac,

French Army in the Field.

[1] *Fœdera*, I 818–821; Pauli, II 93. Protection for the merchants of North Germany was the chief fruit of this alliance; ib. 94.

[2] "Strenuissimo milite," Hemingb. For the spelling of the name see *Fœdera*, sup. It was properly "Le Latinier."

[3] Hemingb. II 46, 47; Worcester, 519; Westm. III 92; Trevet, 332.

[4] Dept. Gironde, all four.

[5] Basses Pyrenées. There are several places of the name of Saint Jean that might suit.

[6] Ann. Worcester, 519, 520; Trevet, 332–335; Hemingb. II 47–49. For Constance's marriage see Wykes, 222.

[7] See Martin, *France*, IV 404.

the English capitulating. Charles then proceeded to lay siege to Rions, where John of Brittany was established (Palm Sunday, 27 March). In settling the terms of the capitulation of Podensac, the English leaders made no stipulations on behalf of the native part of the garrison.

Their Progress. The French leaders, taking advantage of this disgraceful oversight—if such it was—took some fifty Gascon prisoners, and hung them before the walls of Rions. The native soldiery immediately rose, and overpowered the English; John of Brittany and St. John with difficulty got away to their boats, and down the river to Bourg and Blaye. Next day the French entered Rions, capturing twelve or thirteen knights, and thirty-three esquires of good birth (7 April).[1]

By a curious coincidence, on the very same day, Hugh de Vere recovered Saint Sever on the Adour,[2] which had fallen into the hands of the French. Charles of Valois hastened to the rescue. Hugh held out for thirteen weeks, and then, through the mediation of two Gascon counts, a convention of the usual kind was signed, under which, relief having failed to appear within fifteen days, the English were allowed to march out with all their horses, arms and chattels. Charles dismantled the fortifications, and then, satisfied with his work, went home; whereupon the English at once re-occupied and re-fortified Saint Sever.[3] Apparently they remained masters of Bayonne and the Landes, with some footing on the Gironde, both above and below the city of Bordeaux. Reinforcements in men and money were sent out in July and August;[4] but of further operations we hear nothing, both parties as it were "marking time."

Naval Warfare. At home the Channel was swept by privateering fleets. On the 2nd August the French landed in force at Dover, plundered the Priory, and burned half the town, but suffered some loss in getting back to their ships. About the same time the men of Yarmouth were ravaging the coasts of Normandy, burning Cherbourg as a finale. On their return, apparently, they were able to save Winchelsea from a counter-attack. Again, we hear of fifteen Spanish vessels, laden with goods for Flanders, being captured by the men of Portsmouth.[5] Edward found it necessary to issue fresh orders for the defence of the coasts.[6]

As already mentioned, by the time that we have now reached, the summer of 1295, war with Scotland had become inevitable. King John

[1] Hemingb. II 49–52; Trevet, 336; Westm. III 92. See De Nangis, I 288.
[2] Dept. Landes.
[3] 7 April–21 July, *circa*; Trevet, 336; Hemingb. II 52.
[4] Worcester, 521, 522.
[5] Gervase Cont. II 313 (a Dover chron.); B. Cotton, 295, 296; Trevet, 338; De Nangis.
[6] 28 August; *Fœdera*, 826.

Affairs in Scotland.

found himself obliged to choose between leading the national movement, or sinking into helpless dependency on Edward's will. In fact he was not allowed much choice in the matter. The Scottish Parliament ousted all Englishmen holding property in Scotland, and named a committee of twelve peers, four bishops, four earls, and four barons to 'advise' their King in his movements;[1] a course of procedure entirely in accordance with Scottish precedents. The first overtures between Scotland and France cannot be traced with certainty, but on the 10th May, 1295, we find Philip writing to the Count of Flanders that the Scottish merchants are his friends, and must be protected. Two months earlier he made no distinction between them and the English.[2] On the 7th July Balliol sealed instructions for envoys to negociate an alliance with France, on the basis of a marriage between his eldest son Edward and Jeanne, daughter of Charles of Valois.[3]

Alliance with France.

The aspect of matters in the North doubtless came under the consideration of a Grand Council or Parliament of Magnates that was summoned to Westminster for the 1st of August.[4] The special business for which this Council was convened was to give audience to two Papal Legates, Berard, Cardinal Bishop of Albano, and Simon, Cardinal Bishop of Palestrina, commissioned by the new Pope, Boniface VIII,[5] as one of the first acts of his Pontificate, to urge the King of England to make peace with France.[6] After considerable discussion, and formal speeches, in Latin and French, delivered on one side by the Legates, and by William Hotham, the Dominican, and Bishop Anthony Beck on the other side, the King authorized the Cardinals to conclude a truce with Philip to last till the Feast of All Saints next ensuing, if th King of France should desire it.[7]

Papal Mission to England.

[1] Stirling, 7 July, 1295; Lanercost, 161, 162; N. Trevet, 339; W. Rishang. 151, 373; W. Hemingb. II 77.

[2] Stevenson, II 2, 3.

[3] *Fœdera*, 822; W. Hemingb. II 78. These instructions were drawn up at Stirling on the day on which the advisory committee was appointed.

[4] *Parly. Writs*, I 28; *Fœdera*, I 822. No representatives of the commons or inferior clergy were summoned.

[5] Celestine V, the Pope consecrated 29 August, 1294, finding the burden of his duties intolerable, astonished Christendom by resigning his office (13 December, 1294), an unprecedented act, to sanction which a special decree had to be passed by the Curia (Flor. Cont. II 276; Cotton, 256, etc.). The Cardinals then elected their natural head, Benedetto Gaetani, Cardinal Deacon of St. Nicolas in Carcere Tulliano (24 December, 1294), who took the style of Boniface VIII. He announces his accession 24 January, 1295; *Fœdera*, I 816; *Northern Registers*, 109, etc.

[6] *Fœdera*, 817. The Cardinals landed 25 June; Gerv. II 311. For their authority to levy 'procurations' of six marks (£4) from all monastic and collegiate churches, see Cotton, 289.

[7] 14 August; *Fœdera*, I 824; W. Hemingb. II 63–68.

From an intercepted letter by Thomas Turberville, one of the knights captured at Rions, who had bought his freedom by undertaking to act as French spy, we learn that the belief in London at this time was that the Scots would rise, and that the King would have enough to do, especially if the Welsh should break out again ;[1] which was thought not impossible.

Gloomy Situation.

Surrounded by difficulties, actual and prospective, Edward rose to the occasion, and resolved to throw himself on the loyalty of his subjects, by summoning a more thoroughly representative Parliament than any that England had yet seen. In 1254 we first saw Knights of the Shire summoned for the purpose of granting an Aid ; in 1265 we recorded the first conjunction of borough and county representatives in Parliament ; in 1283 Edward himself had summoned representatives from shires and boroughs ; in 1294 representatives of the clergy and shires had been convened, but in different assemblies. The King now for the first time issued writs combining representatives of clergy, shires, and boroughs in one assembly, along with the Magnates, the 13th November being the day fixed for the meeting. The Archbishops are directed to attend, not in Provincial assemblies, but at Westminster ; and are told to *premonish* the priors of their cathedrals, and the archdeacons of their dioceses, to appear also, with proctors to represent the cathedral and parochial clergy.[2] The several bishops, priors and abbots received writs direct from the Crown—as they had done in the summons to Parliament of the previous year—not from the archbishops, as in the case of Provincial convocations. The barons of course received personal writs as usual ; while the sheriffs were directed to return two knights from each county, and two citizens or burgesses from each city or borough within their shires, with power to bind their constituents.[3] "By these writs of summons a perfect representation of the three estates was secured, and a Parliament constituted on the model of which every subsequent assembly bearing that name was formed."[4]

Parliament summoned.

All Three Estates to be represented.

[1] See the letter, Cotton, 304. Turberville was executed as a traitor ; Hemingb. II 60, 63. The incident caused great excitement, such treason being rare in English history. See the song, Chron. London, Append. 100 ; R. Brunne, II 267.

[2] "Vobis mandamus quod die, etc., personaliter intersitis, Præmunientes priorem et capitulum ecclesie vestre," etc. ; *Parly. Writs*, I 29–31 ; *Fœdera*, I 827, 828. This *Præmunientes* clause became one of the marks distinguishing a clerical Parliament from Convocation, the other marks being the meeting in one assembly instead of two, and the receipt by each bishop of a writ direct from the Crown, instead of one through his Archbishop.

[3] 30 September–3 October ; *Parly. Writs*, I 29, 30.

[4] Stubbs, *Select Charters*, 273. The Bishop also calls attention to the quotation from the code of Justinian with which the form of summons addressed to the

These writs were issued from Wingham in Kent, in which county the King spent most of September and October arranging for the defence of the coast, and the equipment of a fresh armament for Gascony,[1] the quarter on which his attention was still chiefly fixed.

Preparations for War.

The month of October (1295) was one of active preparation for war throughout Europe. In England commissions of array were issued for service at home and abroad.[2] The Scots were requested to yield Berwick, Roxburgh and Jedburgh, during the war with France, as pledges for their good conduct; yet on the same day (16 October) the King orders the seizure of the lands and goods of John Balliol, and of all other Scotsmen not actually resident in England at the time, a measure, no doubt, suggested by prior steps of the same nature taken by the Scottish Government against Englishmen holding property in Scotland.[3] On the 22nd and 23rd October the Scottish alliance was settled in Paris, together with another alliance in which the Scots concurred, an alliance intended, doubtless, to operate as a counterpoise to the Anglo-German alliance —one by which King Eric of Norway undertook to supply the King of France with troops.[4]

On the 2nd November the King was obliged to prorogue the Parliament till the 27th of the month; he was still too busy to come to London for Parliamentary business.[5] In the interval a last embassy was received from John Balliol, and he was ordered for the last time to present himself at Newcastle-upon-Tyne on the 1st March, 1296.[6] On the 27th November Parliament met, and the three Estates severally discussed the amount of the grant to be offered. The barons and knights of the shire gave an Eleventh, the cities and boroughs a Seventh. "With the clergy there were difficulties. The Archbishop of Canterbury offered a Tenth, the King demanded a Third, or at least a Fourth. The Archbishop, however, held out, and the King, after debating the matter for nearly a month, accepted a Tenth on the 8th

Parliament.

Grant of Subsidies.

prelates begins, "Ut quod omnes similiter tangit ab omnibus approbetur; Code V, tit. 56, law 5; *Const. Hist.* II 133, q.v. for further comments on the constitution of the Parliament.

[1] *Itinerary; Fœdera*, I 288.

[2] *Parly. Writs*, I 269, 270. For the execution of these orders see B. Cotton, 307, and cnf. p. 290, where he tells us that all holders of land to the value of £40 a year, that is all persons liable to knighthood, were ordered to be ready to serve for seven weeks in Gascony. But again see *Parly. Writs*, I 278.

[3] *Fœdera*, I 829; Palgrave, *Documents*, 147; Stevenson, *Documents*, etc., II 7; W. Hemingb. II 89; N. Trevet, 340; W. Rishang. 151, 153. The "chattels" were ordered to be sold in February, 1296; Stevenson, II 22.

[4] *Fœdera*, I 830, 832; Stevenson, *Documents*, II 8; W. Hemingb. II 78, etc.

[5] *Parly. Writs*, 32; *Fœdera*, I 831.

[6] Palgrave, *Documents*, 145; cnf. Stevenson, *Documents*, II 21.

of December." [1] Finally on the 15th of the month renewed orders were issued for putting the Priories Alien under contribution, the King requiring them to hold their lands of him at will, at rents to be fixed by an ordinance of the Exchequer.[2]

The year closed with a practical declaration of war against Scotland. On the 16th December some two hundred barons of England and Ireland were required to be ready with contingents at Newcastle on the 1st March, 1296.[3]

Deaths of Bruce the Claimant

Two men of mark passed away within the year. Robert Bruce, the Claimant, died full of years on the 31st of March. His English estates went to his son, Robert Bruce VII, who at one time held the earldom of Carrick in right of his wife; but she was dead, and at her death the Carrick title and estates had devolved on an eighth Robert Bruce, the last and greatest of the name. Destined to achieve immortality as a patriot, he still adhered to the old family politics, and with his father Robert had been dispossessed by the Scottish Parliament for subservience to England.[4]

and Gilbert, Earl of Gloucester.

Gilbert, ninth Earl of Clare, seventh of Hertford and third of Gloucester; the fickle troublesome Earl who had sided with de Montfort at Lewes, and with Edward at Evesham; the man who had seized London in 1267, and waged war upon the Earl of Hereford in 1290, was gathered to his fathers on the 7th December, 1295. He was succeeded by his son by Jeanne of Acre, Gilbert, fourth Earl of Gloucester.[5]

[1] Stubbs, *Select Ch.* 473; B. Cotton, 299; Westm. III 95; Worcest. 524; Flor. Cont. II 277; Cal. Pat. R. III 170, 172.

[2] Cal. Pat. R. III 175, 176.

[3] *Parly. Writs*, I 275–277.

[4] *Fœdera*, I 790, 791; Stevenson, II 3, 6; W. Hemingb. II 69; Lanercost, 162. Carlisle was placed in the hands of Bruce VII by Edward; Stevenson, II 6; October, 1295.

[5] Worcest. 524; Flor. Cont. II 278.

CHAPTER XXVII

EDWARD I (*continued*)

A.D. 1296.

War in Gascony—War with Scotland—Storm of Berwick—Battle of Dunbar—Surrender of Crown by John Balliol—Reduction and Pacification of Scotland—Parliament at Bury St. Edmunds.

EDWARD fully appreciated the paramount importance to a King of England of an extension of territory within the Island. He saw clearly enough that the subjugation of Scotland, if he could effect it, would help him better towards the recovery of Gascony, than the recovery of Gascony would help him towards the subjugation of Scotland. He determined to devote his primary and personal attention to the Scottish campaign, leaving Gascony to the care of his brother and the Earl of Lincoln. His father doubtless would have done just the reverse; he would have gone to Gascony, leaving Scotland to take care of itself; but then Henry III and Edward I were very different men. A moderate armament for the relief of Gascony had been ready to sail since the beginning of November, but was detained by the illness of the Earl of Lancaster.[1] In the course of January, 1296, they got under way at Plymouth, and joined their friends at Bourg and Blaye in the Gironde by the beginning of March.[2] Gascon and other mercenaries flocked to their standard. Crossing the river in force they made themselves masters of Lesparre (22 March), and other places in Medoc.[3] On Wednesday in Easter week (28 March) they pitched their camp at le Bouscat, a couple of miles or so from Bordeaux. Skirmishing engagements ensued, and the French, making ready for a siege, fired their suburbs outside the walls. But the English were not equipped

The Earl of Lancaster in Gascony.

[1] *Fœdera*, I 833. Only nineteen military tenants had been summoned; id. 828. 25,000 footmen had been called for from fifteen of the Southern counties; *Parly. Writs*, I 269; how many were sent abroad it would be impossible to say. In Norfolk the requisite numbers were paraded; the pick of them armed and taken away; and all sent home again in four days; Cotton, 307.

[2] Westm. III 96; Rishang. 154. According to Everisden (Flor. Cont. II 279) Edmund sailed 26 December, and landed within a week. This perhaps may be the better version.

[3] Rishang. sup.; Trevet, 340.

for a siege; on the 30th of the month they moved on to Langon, which yielded to them. Saint Macaire was then summoned to surrender. Unable to get help from Bordeaux, the townspeople submitted. But the garrison defied the assaults of the English, and Edmund, after a fruitless siege of three weeks, was fain to fall back on Bayonne. His funds were exhausted, and his mercenaries deserting him. He had been out of health before sailing, as already mentioned; the fatigues of the campaign, aggravated perhaps by mortification at a sense of general failure, proved too much for him, and he passed away about the 13th May, apparently a popular, but distinctly an incapable man, either as soldier or politician.[1]

Petty Operations.

Death of Lancaster.

Edward's persistence in employing his brother and the Earl of Lincoln suggests that there were but few of the higher baronage whom he could trust. His persistent *Quo Warranto* proceedings would be deeply resented by the Magnates. The cruel attack on the Durham Franchise of Sadberge—bought and paid for twice over under Richard I—had only recently been decided in Bishop Beck's favour.[2]

The Earl of Lincoln succeeded to the command in Gascony. The chronicler praises his energy,[3] but Henry allowed six weeks to intervene before he attempted anything. About Midsummer he laid siege to Dax, and pressed the garrison for seven weeks with daily assaults. But the advent of Count Robert of Artois, sent by Philip to succeed the Count of Valois, forced him to retire. On the other hand a French siege of Bourg came to nothing. Bourg, Blaye and Bayonne seem to be the chief places that we can distinguish as still in the hands of the English. A devastating raid towards Toulouse in the autumn, and the return to England of a body of invalids, under William de Vescy, are the only other recorded incidents of the year.[4]

The Earl of Lincoln commanding.

It is clear that the King had not expected overmuch of the expedition to Gascony. From the beginning of the year he betrays an evident wish for a suspension of hostilities. On the 1st of January he accredits an imposing embassy, comprising his uncle William of Valence, the Earl of Pembroke, the Duke of Brabant,[5] the Counts of Savoy and Holland, Otho of Granson and Hugh le Despenser, instructed to meet French envoys at Cambrai in the presence of the Legates. He begs

Efforts for Peace.

[1] "Homo facetus et largissimus"; Hemingb. II 72–74; Rishang.; and Trevet, sup.

[2] A.D. 1293, 1294; *Fœdera*, VIII 572; Rot. Parl. IV. 427.

[3] "Homo quidem facetus, pulcherrimus, et strenuissimus"; Hemingb.

[4] Rishang. 154, 155; Hemingb. II 74; De Nangis; Martin, IV 408.

[5] John II, Duke of Brabant, the son-in-law of Edward. His father died in the spring of 1294; Letters from *Northern Registers*, 106.

King Adolf to send representatives, as nothing can be done without his concurrence.[1] The conference proved barren of results. Philip saw that the current of events was setting in his favour. So it went on for months; again and again Edward declares that out of regard for the Holy Church of Rome, and the Cardinal Legates, he is willing to sign a truce to the end of the year, if Philip will consent; but Philip does not consent.[2] Nor was Edward more successful in his efforts to keep his Continental allies together, though he laboured hard at it.[3] There again Philip the Fair had the best of it. The Flemish municipalities found an opportunity for carrying some appeal to the Court of France; Count Guy went to Paris with his daughter, and only got away by leaving her as a pledge.[4] Florence of Holland openly changed sides, to the great annoyance of the King, who had shown special favour to Dutch merchants. But the Count's career was run; on the 28th of June he fell, assassinated by some of his own subjects.[5]

War against Scotland.

On the 1st of March the King and his levies duly gathered round Newcastle. Personal summonses had been issued to some 210 barons from England and Ireland. Commissions of array had been enforced against all landowners worth £40 per annum. In the absence of official figures we cannot venture to give any positive statement as to the numbers taken into the field. Considering the requirements for Gascony, the forces would presumably be considerably less than those engaged in the second Welsh war. Comparing the returns we obtained for the two Welsh wars we might suggest a total of 500–1,000 mounted men with 5,000–8,000 foot.[6] A fleet also had been ordered to co-operate between Lynn and Berwick,[7] while the Banner of St. John of Beverley was brought to hallow the auspicious enterprise.[8]

[1] *Fœdera*, I 834.

[2] 1 January–16 May; *Fœdera*, I 835–840; again in November; id. 849.

[3] See all his letters, *Fœdera*, I 835, etc.

[4] Trevet, 340; Rishang. 153; Warnkonig, I 197, cited by Pauli.

[5] Cotton, 303; *Fœdera*, I 841; Trevet, 341.

[6] See above, 321, 339, 341. The wages eventually paid for foot-soldiers in Scotland and Gascony together for the year 1295–1296 came to £21,443 12*s.* 0*d.* (Stevenson, II 19), as against £24,730 9*s.* 3*d.* paid for foot-soldiers in Wales alone in 1282–1283. But the period of engagement in the latter case was much longer. On the present occasion £1,000 a week was to be sent to Newcastle as provision for 1,000 men-at-arms and 60,000 foot, besides the Household, with £10,000 in advance (id. 20). But this provision does not prove that that number of men were ever employed at one time.

[7] *Parly. Writs*, I 275–278; Palgrave, *Documents*, 148; Stevenson, II 23, 24. Apparently some eight vessels, carrying 25 to 120 men, were actually employed out of 100 ordered to be impressed—an instance to be noted. But the year is given as 1295.

[8] *Fœdera*, I 848.

Of course Balliol did not appear at Newcastle; nor did he send any message. Edward accordingly began his march, leaving Newcastle on the 5th March, and advancing as far as Brunton, where, apparently, he stayed for a week.[1]

The Scots in the Field.

In Scotland the national Government had appointed their levies to meet at "Caldenley" on the 11th March. Blood was first shed in connexion with a struggle for the possession of the Castle of Wark. Robert de Ros, the lord of the place, being married to a Scotswoman, had been induced to side with the Scots, and proposed to deliver the fortress to them. His brother William, who was with him, resisted his purpose, and sent word to Edward, who promptly despatched a force to reinforce Wark. Nearing the place, they took up their quarters for the night in the village of "Prestfen,"[2] where they were attacked by a party of Scots, led by Robert de Ros, and slaughtered right and left, being unable in the darkness to distinguish friends from foes, while the Scots had provided themselves with a countersign. But with the King's army at hand the Scots could not venture to besiege Wark, and the place was saved.[3]

The First Blow struck.

Edward heard that the Scots had struck the first blow with stern satisfaction. 'By the blessing of God as the Scots had begun he would make an end.'[4]

By acting as they did the Scots undoubtedly damaged their position, and gave their adversary a moral advantage. But it must be admitted that their conduct was only too much in accordance with the ways of the times.

On the 17th March Edward took up his quarters at Wark, remaining there over Easter (25 March). On Easter Day he received a fresh written renewal of homage, with oaths of fealty and support as against all men, from four leading Scottish magnates, viz., Patrick, Earl of March and Dunbar; Gilbert of Umphraville, Earl of Angus; and the two Bruces, i.e., Robert VII, late Earl of Carrick and now lord of Annandale, and his son Robert VIII, now Earl of Carrick, as heir to his mother, recently deceased;[5] all these men being in actual attendance in Edward's camp at the time![6]

[1] *Itinerary.*

[2] ? Paston on the Beaumont Water.

[3] Hemingb. II 92–94; Trevet, 342; Rishang. 157; Lanercost, 172. In the writs Robert de Ros is summoned for Wark; William for Ingmanthorp; *Parly. Writs*, I 259.

[4] Hemingb. sup.

[5] Robert Bruce the Claimant died on Good Friday, 1295 (1 April); Bain, *Calendar*, II 164.

[6] See the document in French, Hemingb. II 110; also Stevenson, II 1–6. Carlisle was in the keeping of the elder Bruce.

On Easter Monday (26 March) the Scots were again to the fore under their seven Earls, namely, Buchan (John Comyn), Menteith (Alexander Stewart), Strathearn, Lennox, Ross, Atholl and Mar, together with the Red John Comyn of Badenoch the younger. King John had been left at home, the Earls preferring to conduct operations without him. They crossed the Solway in three bodies, committing horrible ravages, and burning and slaying everything 'from Arthuret and the Forest of Nicholay to the Walls of Carlisle.' Archers posted on the Eden bridge kept them back for a time, till they found a ford of the river at Rickerby. For a couple of days they kept up fruitless attacks on Carlisle; finding the place stoutly defended, they recrossed the Border (28 March).[1]

The Scottish Earls across the Border.

In the centuries of devastating warfare between the two nations that lie before us, we shall find 'three days on English soil' a common boast of a Scottish raid.

On the same 28th March, Edward crossed the Tweed, sleeping at Coldstream. He sent messages to the men of Berwick, offering to admit them to his peace. No answer coming in, he moved his quarters next day to Hutton, and himself rode up to the gates of Berwick, to hold a parley with the inhabitants.[2] Possibly his long stay there in 1292 gave him a feeling for the place. His well-meant overtures, however, were received with offensive gestures[3] and insolent defiance.

Edward crosses the Tweed.

> "Kyng Edward wanne thu havest Berwick pike the,
> Wanne thu havest geten dike the."[4]

Royal nerves are very sensitive to personalities; and the men

[1] Hemingb. II 94–96; Trevet, 342; Rishang. 156; Lanercost, 173. The last records an earlier muster of the Scots, defeated by bad weather; p. 170.

[2] Stevenson, II 25, an Itinerary of the King's movements; Lanercost, 173; Hemingb. II 97; Trevet, 343.

[3] "Denudatis posterioribus regi conciabantur"; Lanercost, sup.

[4] Rishang. 373. The couplet took. The translator of Peter Langtoft paraphrased it thus:—

> "Piket hym and diket him
> On scorne saiden he (*they*)
> Hu best it may be;
> He pikes and he dikes,
> On lengthe alle him likes
> As hy mowe best y-see."
> (Wright, *Pol. Songs*, 286, Camden Society.)

Again we have—

> "What wende the Kyng Edward
> For his langge shanks
> For to wyn Berewick
> Al our unthankes?

Storm and Sack of Berwick.

of Berwick paid dearly for their vulgarity. The King next morning brought up all his forces, set them carefully in array, and gave the signal for the assault. The English charged right over some paltry earthworks and a rotten palisade—the sole defences of Berwick [1]—and the place was won. The Scots were too much taken aback to make any defence in the streets. They fell 'like leaves in autumn.' No mercy was shown to them, nor were burial rites vouchsafed to the dead.[2] The women, however, were spared. The Flemings had a fortified establishment called the Red Hall. It held out till the evening, and was ultimately destroyed by fire, thirty men perishing in the flames. The garrison in the castle, under William Douglas, were admitted to terms, and allowed to march out with all the honours of war; their commander, however, was detained in custody. He had sworn fealty in 1291.[3] Of the land force only one man fell on the English side, namely Richard of Allmaine, younger son of the late King of the Romans by his second wife, Senche of Provence; he was killed by an arrow in the attack on the Red House, having raised his visor to look at the flying Scots. On the other hand a premature attack on the harbour, delivered by the fleet in the morning, when the King, as usual on such occasions, was dubbing knights on the field,[4] resulted in the loss of four ships and a considerable number of men.[5]

Berwick re-fortified.

Edward stayed nearly a month at Berwick, fortifying the town with substantial earthworks, surmounted by strong palisades. The fosse and rampart between them were said to cover a height of forty feet and a breadth of eighty feet. It was reported that the King himself had wheeled a barrow in the work,

> "Go pike it him
> And when he have wonne
> Go dike it him."
> (*Wallace Papers*, Stevenson, 142; Hill Burton.)

Myself I feel inclined to read the couplet as—

> "Wanne thu woldest haven Berwick pike the
> Wanne thu havest geten dike the."
> 'Dig if you want to get in, and then build.'

[1] Fossatum quoddam cum lignis tabulatis quasi pro nihilo transeuntes; W. Hemingb. II 98.

[2] The Lanercost writer saw piles of corpses being thrown into pits by the King's men. He says the slaughter lasted a day and a half. "Spatio diei ac dimidii perempti sunt ex utroque sexu"; p. 173.

[3] Bain, *Calendar*, I 123.

[4] Henry Percy was one of them.

[5] Friday, 30 March; Hemingb. II 97, 98; Trevet, 344; Rishang. 157, 374. As against the thousands of slain alleged by the chroniclers we may set the fact that the total of fully franchised burghers of Berwick in 1291 were ninety-one; Bain, 123. Edward's severity was partly due to irritation at the loss of his cousin, the last of his family.

"one of those acts of inspiring condescension which show earnestness and determination," and a capacity for leading men.[1]

> "Now dos Edward dike Berwick brode and long,
> Als they bad him pike, and scorned him in their song;
> Piket him and diket him, on scorne said he,
> He pikes and dikes in length, as him likes how best it may be." [2]

While thus engaged 'dyking him' at Berwick, Edward received a formal renunciation of homage from King John, under the circumstances almost a superfluous formality (5 April).[3] Scottish tradition had it that on receiving the document Edward exclaimed in deepest scorn, "A ce foll felon tel foli fet. S'il ne voit venir à nous nous vendrons à li." [4]

Balliol was not a man of great parts, but he was no felon; he had behaved far more honourably to Edward than Edward had to him.

Fresh Scottish Raid.

Meanwhile the Scots ventured on a fresh raid. Sallying from Jedburgh on the 8th April they entered Cocketdale, assaulted Harbottle Castle for a couple of days, then pressed on into Redesdale, descending the North Tyne to Hexham, which they plundered and burnt, monastery and all. Corbridge was treated in like manner, and so was the nunnery at Lambley, from whence they moved to Lanercost, where they rested on the night of the 12th April. The out-buildings were destroyed, but the church was spared. Next day, at a rumour of the approach of an English army, they recrossed the border, passing through the Forest of Nicholay with as much booty as they could carry.[5] At Corbridge they were accused of having deliberately burned down a school with all the little scholars in it.[6]

We next hear that the Scottish leaders formed a plan to place the English as it were between two fires, the main body going on to make themselves masters of the important castle of Dunbar; while the rest stayed in Teviotdale to take the enemy in the rear.[7]

Patrick, Earl of Dunbar and the March, was with Edward; the custody of the castle, as was often the case in times of trouble, had

[1] "Ipsemet cum vehiculo terram portabat"; Rishang. 375; Trevet, sup. Stevenson, II 26; Burton, II 169.

[2] R. Brunne, II 273.

[3] *Fœdera*, I 836; Trevet and Hemingb., sup.

[4] Fordun, 322; *Scotichron.* II 156.

[5] Lanercost, 174; Hemingb. II 101; Trevet, 346; Palgrave, 149; Cotton, 310. A year later Hexham is described as utterly waste and tenantless; *Northern Registers*, 133.

[6] Lanercost, sup. The writer, however, shows a partiality for horrors.

[7] Lanercost, 175.

The Castle of Dunbar.

been left to his wife, and she now, on her own responsibility, admitted a party of her countrymen (22 April).[1] The news reached Berwick the same day. On the morrow Edward despatched old John of Warenne, the Earl of Surrey, who was still available for service, with William Earl of Warwick, who had distinguished himself in Wales, to recover Dunbar.[2] The place was assaulted at once, but the Scots obtained a three days' truce, to enable them to communicate with their friends outside.[3] On the third day (Friday, 27 April) the relieving Scottish army began to show, coming down from the slopes of the Lammermuirs towards Dunbar. The Earl of Surrey led out his men to give battle. As a necessary preliminary he deployed his columns in a valley lying between him and the enemy. Scotland had for a length of time enjoyed such an immunity from war that probably the very rudiments of tactical science had fallen into oblivion. The Scots, mistaking the nature of the movement that the English were executing, raised the cry, 'They flee! They flee!' Abandoning the advantage of the ground, they poured down tumultuously, only to be met and scattered by the English advancing in perfect order. The pursuit was pushed as far as the outskirts of the Forest of Selkirk. One Scottish leader, Patrick Graham, Sheriff of Stirling, refused to quit his station, and fell where he stood, "applauded and lamented by his enemies."[4]

Battle of Dunbar.

Defeat of the Scots.

Next day Edward himself appeared at Dunbar and took possession of the castle, the garrison being required to make an unconditional surrender. Among those taken were John of Strathbogie, Earl of Atholl; William, Earl of Ross; Alexander, Earl of Menteith; the younger John Comyn of Badenoch; Richard Siward; William of Sinclair—131 knights and esquires in all. The whole were sent in batches to English prisons.[5]

[1] Cotton, 310.

[2] Stevenson, II 26; an Itinerary of Edward's movements; Rishang. 160.

[3] Hemingb. II 102, 103.

[4] Hemingb. II 103, 104; Stevenson, sup.; Lanercost, 176. For the honour of the Scottish commonalty it should be noted that the Lanercost writer, no friend of the Scots, states that the Scottish foot would have fought well if the cavalry had held their ground. The clergy, too, had been active on the national side, and not a few fought and fell at Dunbar. Fordun throws some light on the speedy flight of the cavalry by hinting plainly that the Bruce faction did not care to shed their blood in the cause of Balliol; p. 325. "Upon almost the same ground and in circumstances not dissimilar Cromwell overcame the Scots," 3 September, 1650; Hailes, *Annals*, I 261.

[5] Hemingb. and Stevenson, sup. William Sinclair, Bishop of Dunkeld, younger son of the baron, was also taken. For the full nominal return of the prisoners taken, see Bain, *Calendar*, II 176. Very few Celtic names appear among them. See also Stevenson, II 49–56. For once the chroniclers understate the numbers, slightly.

All Scotland now lay at Edward's feet; but he was in no hurry to press onwards. As he came to stay, he was anxious to make sure of the ground as he went. Accordingly his first steps after the battle of Dunbar were taken towards the Border lowlands. Passing through Haddington and Lauder he took up his quarters on the 7th May with the Grey Friars at Kelso. James the High Steward or Stewart of Scotland yielded Roxburgh Castle next day.[1]

Edward visits the Border.

At Roxburgh Edward stayed sixteen days, sending off the two Bruces to recover possession of Annandale in his name; and there John Stewart, brother of James, gave in his adhesion.[2] On the 23rd May the King made his entry into Jedburgh; after sundry peregrinations he came, on the 6th June, to Holyrood Abbey. Battering engines were at once brought to bear on Edinburgh Castle; on the fifth day it surrendered. With the castle the Regalia, or Honours of Scotland, with sundry State Papers, fell into the King's hands; they were carefully catalogued and sent to London.[3]

Progress through the Lothians.

On the 13th June 'the King slept at Linlithgow, and left the engines under good guard throwing before the castle. On the Thursday (14 June) he went to Stirling, and they who were within the castle fled, and none remained but the porter, who surrendered the castle, and there came the Earl of Strathearn to the peace, and there tarried the King five days.'[4] At Stirling the King received a reinforcement of men-at-arms and foot-soldiers from Ireland under the Earl of Ulster.[5]

'On the Wednesday before the Feast of St. John (20 June), the King passed the Scottish sea, and lay at Auchterarder, his castle. On the Thursday at St. John, of Perth, a good town, and there abode three days.'[6] The stay at Perth was divided between business and pleasure. Nine knights were dubbed, while an embassy was received from Balliol suing for peace.[7] He was told that the King intended to be at Brechin in a fortnight, when he would be prepared to receive King John. The Bishop of Durham would be sent on in advance, with full powers to settle terms, i.e., to name Edward's conditions.[8] These turned out to be pretty stringent. King John would be required to admit that he had grievously offended his Lord King Edward by

King John sues for Peace.

Edward's Terms.

[1] Hemingb. II 105; Trevet, 347; Palgrave, 152; Stevenson, II 27, and the Record Office *Itinerary*, both in complete accord.

[2] *Fœdera*, I 839.

[3] *Itinerary*; Stevenson, II 142. The sceptre and crown were offered by the King to the shrine of St. Edward at Westminster.

[4] *Itinerary*; Stevenson, sup.

[5] W. Hemingb.; Trevet., the Earl was Richard de Burgh.

[6] Stevenson, II 27.

[7] "Nuncii . . . postulantes pacem."

[8] Heming. II 106; Trevet, 347; Rishang. 161.

making an alliance with his enemy the King of France, and by renouncing his homage, and waging war against him, whereby King Edward had been obliged to enter and conquer Scotland, as he had a right to do, his homage having been renounced. For these transgressions King John would be required to surrender to Edward the Kingdom of Scotland, with all its people and their homages. Such a surrender, we may remark, would entitle Edward to treat any future uprising of the Scots as treason. Balliol, of course, could not do otherwise than submit, his chief supporters, John Comyn, Earl of Buchan, and John Comyn of Badenoch the elder, having already made their peace with Edward. On the 2nd July he sealed a patent at Kincardine embodying Edward's terms.[1] On the 7th July he met Bishop Beck, with the Earl of Hereford, Hugh le Despenser, and the two Comyns, and by word of mouth apologized for the French alliance, renounced the same *in toto*, and begged to be reconciled to his Lord the King.[2] Lastly, on the 10th July, King John again met the Bishop of Durham at Brechin Castle, and there, divested of all his royal ornaments, made to him on Edward's behalf a formal surrender, by feoffment, with the usual rod,[3] of all his, Balliol's, kingdom, with all his rights, lands, goods and possessions whatever, saving only for himself life, limb and personal liberty. At the same time Balliol's Chancellor delivered up the Great Seal of Scotland, enclosed in a bag sealed with Balliol's private seal, to be destroyed.[4]

Surrender of the Crown and People.

The notarial protocol which establishes the *viva voce* transactions of the 7th and 10th July disposes for all practical purposes of the allegation subsequently made by a Scottish agent at the Papal Court that the patents of resignation of the 2nd July and 10th July were forgeries, concocted after the Great Seal of Scotland had passed into Edward's hands. We have seen that Edward was not above stooping to such acts in his dealings with the Scots. But Balliol's resignation is attested by every single chronicler of the time; and, if we must come down to technicalities, according to the Real Property Law of the times, the want of a written instrument would not affect the validity of a transfer of land made by feoffment, no written evidence being required.[5] But

[1] *Fœdera*, I 841, 842, in Latin and French.

[2] See the notarial protocol of Master Andrew, from the Paris archives; Stevenson, II 59, 76.

[3] So Fordun, the Scottish writer, 327. "Johannes rex regiis exutus ornamentis, et virgam albam in manu tenens, omne jus quod habuit . . . in regno Scotie cum fusto et baculo sursum reddidit."

[4] See the notarial protocol, Stevenson, 61; also Hemingb. II 108. The patent of the 2nd was apparently re-issued at the same time with the date 10 July; Hemingb. II 107; Rishang. 161; Trevet, 348.

[5] It should be mentioned, however, that another draft notarial protocol, printed by Sir Francis Palgrave (*Documents*, 141–151) from the original in the Treasury of the Exchequer, which records that Balliol had freely surrendered

our estimate of the transaction as between King Edward, Balliol and the people of Scotland would not be affected by the presence or absence of a mere technical formality.

The transfer of the Scottish Crown having been duly obtained, Balliol and his son Edward were brought on the same day (10 July) to Montrose, where Edward's quarters were, and John was made to go through a fresh act of abdication to the King in person. A few days later he was sent to London by sea.[1] As a State prisoner he was treated handsomely. He was provided with a suitable retinue, duly paid for. After the lapse of three months or so he was established at Hertford, and was given leave to hunt in any royal forest within twenty leagues of London. This indulgent treatment was continued till a rising in Scotland in 1297 made stricter custody seem necessary.[2]

From Montrose Edward held Northwards, to garner in a fresh crop of homages,[3] and impress the Highlanders with a sense of his power, just as he had taken care to impress the Border men. The indispensable Anthony Beck, equally available for scouting and diplomacy, preceded the King by one or two days' march, to reconnoitre, and clear the way.[4] Leaving Montrose on the 11th July, and travelling by way of Kincardine Castle (Fettercairn), and across the hills of Glenbervie to Durris, he then descended the Dee to Aberdeen, 'a good castle and a good town by the sea; and there he abode five days.' Leaving Aberdeen on the 20th July he came by Kintore and Fyvie Castle to Banff (22 July); next night he halted at Cullen; and next day again "*en la mor*" (on the moor), 'on the river of Spey, which he crossed next day,' arriving on the 26th July at Elgin, again 'a good castle and a good town.' Three days later, Edward moved on to Rothes, and there he divided his forces, sending John Cantilupe, Hugh le Despenser and John Hastings to search the

Tour through the Highlands.

his kingdom, ending with a reference to the protocol of Master Andrew—being evidently that above cited—as originally drawn up, referred also to letters patent of resignation under the Great Seal of Scotland executed by Balliol, which reference was subsequently cancelled. On this curious fact Sir Francis asks, "Does this give any support to the assertion made by Baldred Bisset at the Court of Rome that Balliol made no such resignation, but that Edward fabricated the instrument, and appended the Great Seal of Scotland to the same?" *Documents*, cxix.

[1] Lanercost, 179; Dunstable, 404; Fordun, 327; Stevenson, II 28; *Itinerary*.

[2] Stevenson, I lxvii; II 147, 163; Worcester, 528; Trevet, 351. For allowances to Edward Balliol and other young Scottish noblemen, see Stevenson, II 137–142.

[3] For the names of those who came in during the King's tour through the Highlands, see Bain, *Calendar*, II 194–196. They were made to swear on the Host, the Gospels, the Cross of St. Neot and the Back Rood of Scotland; Palgrave, 342.

[4] Hemingb. II 108.

district of Badenoch, while the Bishop of Durham would strike a fresh route 'over the mountains,' i.e., the Aberdeenshire hills, different from that by which he and the King had come. Edward himself took a fourth line, marching on the 30th July to Invercharrad, 'where there are no more than three houses in a row, in a valley between two mountains.' On the 1st August the King reached Kildrummy on the river Don, from whence, marching by Kincardine O'Neil, Kincardine Castle, Brechin, Arbroath and Dundee, he finally closed his Highland tour at Perth on the 8th August.[1] It will be noticed that Edward had not ventured to invade the Western Highlands,[2] and that his march Northwards followed very much the track of his mighty predecessor, Septimius Severus.[3]

The Stone of Scone.

Between Dundee and Perth the King would pass by Scone Abbey, and there he pounced upon another prize, the celebrated "Stone of Destiny," or Palladium of Scotland, upon which her Kings had been installed time out of mind.

> *"Ni fallat fatum Scoti quocunque locatum*
> *Invenient lapidem regnare tenentur ibidem."* [4]

Celtic imagination had played freely over the precious stone, identifying it with Jacob's pillow, brought to Ireland by Scota, daughter of Pharaoh; transported to the coast of Argyll by Fergus son of Erc, *circa* A.D. 498. The authentic history of the Palladium, however, begins with its removal from the Island of Iona to Dunkeld by Kenneth Mac Alpin (*circa* 850), together with other relics of St. Columba.[5] An object so profoundly revered could not be left to keep alive traditions of lost independence. As the Holy Rood of St. Neot, and the Crown of Constantine had been taken from the Welsh, so the Scots had to yield their Stone of Destiny. Edward sent it to Westminster Abbey. A cover was made for it, fashioned as a seat or throne, which, "altered and adorned from age to age, became the Coronation Chair of the Kings of England." [6]

[1] Stevenson, II 28–30, and the Record Office *Itinerary*.

[2] Alexander MacDougal of Argyll and Lorn did homage at Elgin; Palgrave, *Documents*, 178; Bain, sup.

[3] See the map, *Foundations of England*, I 85. [4] Hill Burton, II 172.

[5] The stone measures 26 inches in length, by 16 inches in breadth, and 10 inches in depth. It bears no inscription; but has iron rings at the two ends to lift it by. The stone pillow of St. Columba figures in his *Lives* by Cumine and Adamnan. The material of the Scone stone is Old Red Sandstone, a substance not found in Iona, so that it must have been brought from a distance. See Stanley's *Memorials of Westminster*, 587; and *Proceedings of Scottish Antiquaries*, VIII.; Burton.

[6] Burton, II 172; W. Hemingb. II 108; N. Trevet, 349; W. Rishang. 163. Edward also carried from Edinburgh the fragment of the True Cross brought by St. Margaret, and known as the Black Rood of Edinburgh. "This Holy Rood was afterwards returned to Scotland, and was again lost at the calamitous battle of Neville's Cross"; Burton, II 176.

From Perth Edward passed into Fife again, visiting St. Andrews and Dunfermline, 'where nearly all the Kings of Scotland lie.' Moving South by easy stages through Stirling, Linlithgow and Edinburgh, he reached Berwick on the 22nd August, 'having conquered and searched out the realm of Scotland, as is above written, within twenty-one weeks and no more.'[1]

Scotland subdued.

Edward now proceeded to hold a Parliament or Grand Council of 'the nobles and prelates of both realms.'[2] The business was to obtain a national recognition of himself as King by the Scots. But he was not prepared to accept any vicarious declarations of allegiance. No representation of classes would be permitted. All fully franchised members of the community, clergy, baronage, landowners and civic burgesses, whether they had already submitted or not, must come forward to swear allegiance, and deliver bonds, in prescribed forms, to attest the fact.[3] All this was done on the 28th August. Thirty-five skins of parchment, duly certified by the notary, Master Andrew, give the names of those who appeared (Ragman Roll).[4] The extant seals, appended to the individual bonds then given in, may be said to constitute the ur-armorial of the Scottish gentry.[5]

A Grand Levee.

Scotland's Homage.

Above we noted that the Council was officially described as one of the magnates of both realms. In connexion with this fact we may further point out that the style adopted in 1291 of 'Sovereign Lord of Scotland' had been dropped, and that homage was now simply rendered to 'Sir Edward, by the grace of God King of England, Lord of Ireland, and Duke of Aquitaine'; the policy being to treat Scotland as an integral part of England.[6]

Change of Style.

A few other steps necessary for the pacification and internal administration of the country were also taken. The livings and estates of loyal clergy and laity that had been taken into hand were restored; dowers were assigned to widows who had lost their husbands in the war; and portions appointed for the wives of men in captivity.[7] The Earl of Surrey was named Warden (*Custos*) of Scotland, and his nephew, Henry Percy, Warden of Galloway, a concession to the local feelings of the Stewartry.

Pacification.

[1] Stevenson, II 30, 31.

[2] So the official record; Bain, *Calendar*, II 196.

[3] Bain, sup.; Stevenson, II 31.

[4] See the names given at length, Bain, sup. 196–214. "Ragman" was the term then in use to denote what is now termed a Deed Poll, an obligation binding only the obligor, and not the obligee.

[5] The cognizances of the leading Scottish families are all there, the Murray Stars, the Stewart Fess, the Graham Scallop-shell, etc.

[6] See the documents, Stevenson, II 63; Hemingb. II 109.

[7] *Fœdera*, I 844; Stevenson, II 84–97; Trevet, 351.

Hugh of Cressingham was made Treasurer, William of Ormesby Justiciar, and Walter of Agmondesham Chancellor.[1] All strongholds were placed in safe hands, and a few dangerous men, such as the Earl of Buchan and the elder Comyn of Badenoch, were required to take up their residences for a time South of the Trent.[2] The English tax on wool was introduced;[3] but on the whole as few changes as possible were made in the administration and general *status* of the country,[4] the King's Welsh experiences having probably taught him prudence on this point.

Conciliatory Treatment.

There can be no doubt that Edward would have given the Scots a much better government than any that they were destined to enjoy for centuries, if only they could have been persuaded to accept his rule. But if the Scots of the thirteenth century had been alive to the benefits of federation they would have possessed a political instinct marvellously ahead of their times, if not of our own.

Satisfied that he had settled the Scottish question, and need have no further anxiety on that score, the King recrossed the Border, remarking with a coarse jest that it was well to be rid of foul dirt.[5]

The immediate business that lay before Edward was to hold a Parliament that had been summoned to meet at Bury St. Edmunds on the 3rd November. The constitution of the assembly was the same as that of the Parliament of the previous year, with the addition of the Scottish Baronage, who were required to attend.[6] The laity at once met the King's wishes, the Barons and Knights of the Shire granting a Twelfth, and the burgesses an Eighth. The clergy were not so amenable. To a request for a Fifth Archbishop Winchelsey answered that a recent Papal Bull had absolutely forbidden the clergy to pay any tax whatever to laymen, without Papal leave, under penalty of excommunication. The King gave them to the 13th January (1297) to reconsider their answer.[7]

Parliament.

Lay Grants.

Clergy unable to give.

Meanwhile the undaunted King hammered away at all his irons. Envoys are accredited to treat for peace with France on the one hand, and on the other hand to recruit allies in Burgundy, Lorraine,

[1] *Fœdera*, I 845–847; Trevet, sup.; Bain, II 231; Cotton, 312.
[2] Hemingb. II 112; Trevet, 351.
[3] Stevenson, II 102.
[4] So expressly Fordun, 327. Apparently the existing sheriffs were retained in office. All hereditary offices were respected; ib.
[5] "Bon besoigne fait qy de merde se deliver"; Scala Cronica, 123 (Maitland Club, 1836).
[6] *Parly. Writs*, I 47–49; Stevenson, 31.
[7] Cotton, 314; Trevet, 352; Hemingb. II 116. For the celebrated Bull "Clericis Laicos" (24 February, 1296) see *Fœdera*, I 836; Hemingb. 113.

and the Low Countries.[1] The Lady Elizabeth of Rhuddlan is formally betrothed to the young Count John of Holland, son of the murdered Florence.[2] A close alliance is once more established with Flanders; the sons of the Count being made parties to the treaty.[3] Failing the release of Philippine—kept as a hostage in Paris—Edward undertakes that his son shall marry Isabella, another daughter of the Count. Guy himself receives a sum of money for immediate operations against France, with the promise of more when the marriage shall take place. Strenuous efforts are made to smooth away the old jealousies between Flanders and Holland, between Cologne and Brabant. The correspondence with Germany is carefully kept up.[4]

[1] *Fœdera*, I 848–860. Amadæus, Count of Savoy ("Ames") was one of Edward's envoys. The negotiations went on all winter and spring. In February the King had consultations, at Castle Acre in Norfolk, with Flemish and Dutch magnates.

[2] The wedding was celebrated at Ipswich 7 January (1297); *Fœdera*, I 846, 850; Cotton, 318.

[3] *Parly. Writs*, I 51; *Fœdera*, I 848–853, etc.

[4] Pauli, II 113; *Fœdera*, I 852, 856, 863. November 1296–April 1297.

CHAPTER XXVIII

EDWARD I (*continued*)

A.D. 1297.

Papal Bull "*Clericis Laicos*"—Question of Taxation of Clergy—Clergy refusing money grant without Papal leave outlawed—Question of liability to service abroad—Struggle with Barons—King forced to confirm the two Charters with Additional Articles (*Confirmatio Cartarum*).

By forbidding the clergy to pay taxes to lay authority without Papal leave, Boniface VIII attempted to raise the Papal power to a more domineering height than had been dared by either Gregory VII or Innocent III. He failed to perceive "that the Papacy had reached and had passed its zenith"; [1] that "by destroying the *Concordat* with the King he was not merely embarrassing the secular power, but casting away the chain by which he curbed it." [2]

The Papal Bull, "Clericis Laicos."

Clericis laicos was obviously aimed primarily at the Governments of France and England,[3] but without naming them. In France it met with a vigorous resistance by Philip the Fair. He promptly forbad the exportation of gold or silver without Royal licence. No reference was made to Rome, but everybody knew at whom the blow was aimed. After a keen struggle of eighteen months' duration Boniface found it expedient to explain away the meaning of his original Bull.[4]

Resisted in France.

With regard to England the Pope might be said to be striving to undo the evil work of his predecessors. We have seen that from the accession of Henry III the good understanding between the Papacy and the Court of Westminster had been nursed with the plunder of the Church of England. Of this corrupt bargain the clergy had every right to complain. But it is perfectly clear that no Government could afford to exempt so wealthy a body from contributing to the needs of the State.

[1] Milman, *Latin Christianity*, V 154.

[2] Stubbs, *Const. H.* II 152.

[3] The reference to those who actually could extort a moiety of the clerical revenues, or "dimidiam portionem," could only refer to Edward; *Fœdera*, I 836.

[4] Martin, IV 412. See more fully, Lavisse, IV 131–136.

Down to the time of the Bury Parliament Edward's attention had not been called to *Clericis laicos*, the Bull not having been published in England; but he soon awoke to the gravity of the crisis, and a well-fought duel ensued.

Edward on the Alert.

On the 5th January, 1297, the Bull was formally promulgated, in anticipation of the meeting of Convocation.[1] On the 13th January the assembly duly met at St. Paul's in very full numbers. Every well-endowed priest of the Province of Canterbury must have been present. As in the Bury Parliament, so now, the clergy deliberated in four separate chambers, as four orders, namely, bishops, monastic houses, lesser dignitaries, and proctors of the parochial clergy.[2] Again, after eight days' discussion they came to the conclusion that the Papal inhibition could not be ignored (20 January); and their answer to the King was that they could make no grant without the leave of the Pope.

Convocation of Canterbury.

No Grant without Papal Leave.

This response was laid before the King at Castle Acre in Norfolk.[3] Edward at once replied to the bearer of the message, Richard Swinfield, Bishop of Hereford, 'If ye keep not your homages and oaths for your baronies, neither am I bound to you in anything.' Following up the word with a blow, Edward at once put the clergy out of the Royal protection, leaving them and their possessions at the mercy of every assault.[4]

Clergy outlawed.

Under this pressure it was suggested that the money that must be refused as a tax, might be paid as a fine for redemption from outlawry, the King intimating that he would accept of a Fifth.[5]

A Compromise.

In this submission the Northern clergy, under the guidance of Henry of Newark, the Elect of York, and Anthony Beck of Durham, led the way.[6] On the 6th February letters of protection were issued to them.[7]

Primate v. King.

But the Archbishop could not so "temporize." On the 10th February he rejoined on the King by excommunicating all who ventured to infringe the Papal decree.[8]

[1] Wilkins, *Conc.* II 222.

[2] Cotton, 314; Dunstable, 405.

[3] Cotton. Edward was at Castle Acre 28 January–1 February; *Itinerary.*

[4] 30 January; Cotton, 318; Worcester, 530; Stubbs, *Const. H.* II 136. John of Metingham, Chief Justice of the Common Pleas, proclaimed the outlawry in court; Worcester.

[5] Cotton, 320, 321; Gervase, Cont. II 315; Westm. III 99.

[6] Hemingb. II 118; Dunstable, 406. John le Romayne, Archbishop of York, died 22 March, 1296; Henry of Newark was consecrated 15 June, 1298; *Reg. Sacrum.*

[7] Lords' Report, I 219; Stubbs. Commissioners for taking recognizances of the clergy who were willing to submit were issued 1st March; *Parly. Writs*, I 393.

[8] Cotton, 320.

On the 12th February the King ordered the lay fees of the clergy of the Province of Canterbury to be taken into hand, with all goods and chattels on them;[1] while in the first week of March he issued fresh proclamations warning the clergy to come to terms by Easter (14 April), under pain of absolute forfeiture of all possessions, by whatever title held. For the issue of this edict the King alleged the assent of a Grand Council of lay barons, held at Salisbury, in the first week of March, an assembly to which we shall shortly revert.[2]

On the 16th March the sturdy Primate again retorted by excommunicating all infringers of the rights of the Church.[3] On the 26th of the month he held another Synod at St. Paul's, but without gain to his cause. The Pope had not come forward as the clergy had expected—he was too much taken up with struggles elsewhere—while Edward sent a fresh message warning the clergy not to attempt anything against him or his partisans. No resolution was adopted, but the majority were in favour of submission. Seeing this, Winchelsey, relenting somewhat, said, 'Let each man save his own soul. My conscience will not suffer me to pay a tax under colour of purchasing protection.' The result was that by Easter almost all but the Primate and Oliver Sutton, Bishop of Lincoln, had compounded.[4] Winchelsey held out till the 14th July; and then it was not he, but the King, who gave in, as we shall see. On the 19th July his lands were restored. For 21 weeks and 5 days he had been in a destitute condition, dependent on the charity of friends, if not an absolute mendicant.[5]

King making Friends.

The Salisbury Grand Council above referred to was a strictly lay assembly, not even Bishops being allowed to appear.[6] The King had plans for the prosecution of the war with France, with respect to which he wanted to consult the barons. Affairs in Gascony had gone from bad to worse. On the

Lay Grand Council.

[1] See the writ, Worcester, 530; also Dunst. 405. The very larders at Canterbury were closed by the sheriff; the archbishop's horses were carried off, and he had great difficulty in making his way to Court for an interview with the King; Cotton, 322. For closing barns, see Westm. III 98.

[2] Cotton, 321, 323; Dunst. 405.

[3] Wilkins, *Conc.* II 220.

[4] Wilkins, *Conc.* II 224, 225; Worcester, 530; Dunst. 406; Cotton, sup.; Westm. 100.

[5] 17 February–19 July; Westm. III 101; Gervase, Cont. II 315; Anglia Sac. I 51. The archbishop, however, had managed to retain a chaplain and a secretary (*clericus*). The writ for the restitution of the lay fees is dated 11 July; Hamilton.

[6] *Parly. Writs*, I 51; Hemingb. II 121; Westm. III 100. The writers agree in stating that the Council was held at Salisbury, and on the 24th February. But on that day Edward was at Amesbury, and did not reach Salisbury till the 1st March, staying there till the 8th of the month; *Itinerary*.

Reverse in Gascony.

30th January, the day on which the clergy were outlawed—as the chroniclers are careful to point out—the English arms had met with a discreditable reverse under the walls of Bellegarde.[1] Lincoln and St. John, marching to relieve the place, were intercepted by Robert of Artois, and defeated, the Seneschal being taken prisoner.[2] It was clear that a comprehensive plan of operations was necessary to recover the lost ground. The King,

The King's Plans.

imitating John's scheme of 1214, proposed to attack France from two quarters at once, modifying John's proposal by taking to himself the command of the allied auxiliaries and the invasion from Flanders, leaving an expedition to Gascony to be undertaken by his barons.

For the purposes of opposition the baronial party at this time was at a low ebb. The Earl of Gloucester was a minor; the death of the King's brother Edmund had placed the earldoms of Lancaster, Leicester, and Derby in the same position; Richmond, Pembroke, and Surrey were in the hands of the King's relations and connexions. Nevertheless such was the state of baronial, and, in fact, of general discontent, that the King had to submit to a most unexpected and disagreeable rebuff.

When he disclosed his plan of sending the barons to Gascony "all with one accord began to make excuse." Meeting excuses

Barons v. King.

with threats Edward declared that if they did not go they should forfeit their estates. This had a bad effect. Roger Bigod, the Earl Marshal, and Humphrey Bohun, the Constable, at once declared that they were not liable to serve oversea, except in attendance on the King. Lowering his tone, Edward then begged the Marshal to go as a favour. 'Before thy face, O King, will I go, in the front rank, and that gladly, as is my duty,' said the Earl. 'And without me also,' interposed the King. 'Nay, for to that am I not bounden, nor will I go.' 'By God, Earl,' said the King, losing all self-control, 'thou shalt either go or hang!' 'By that same token, Sir King, I will neither go nor hang.'[3]

The meeting broke up in confusion. The Earls retired to their estates, and mustered their dependants and allies; more than thirty bannerets made common cause with them, and they soon found themselves in a position too strong to be attacked. But they were

King kept at Arm's Length.

careful to remain in a strictly defensive attitude, keeping the King, as it were, at arm's length, and carefully excluding from their possessions the Royal officers and tax-gatherers,

[1] Gers; near Masseube? There are three places of the name in the south-west of France.

[2] Hemingb. II 75; Trevet, 353; Cotton, 319; q.v. for a list of the prisoners taken.

[3] W. Hemingb. II 121; cnf. Trevet, 354; Rishang. 169; Westm. III 100.

who were harassing the rest of the country.[1] The King was taking 'prises' to an unheard-of extent, requisitioning from each county 2,000 quarters of wheat or oats, or an equivalent in beef or bacon, to be delivered at the sea-coast, for the expedition to Flanders. He had also ordered all the wool in the Kingdom to be brought to certain ports. Lots of less than five sacks were still being subjected to the "maletote" of 40*s.* the sack; lots exceeding five sacks were seized for the King's use, the owners receiving tallies for repayment—an undertaking not always fully fulfilled.[2]

"Prises" and Maletotes.

All this was unconstitutional, but not altogether without precedent. But there was worse to follow. Baffled by the great lords Edward fell back on the lesser gentry, proposing nothing less than to order out the old *fyrd* for service abroad. On the 5th May all persons owning land to the value of £20 a year or upwards, whether tenants in chief or not, are warned to be ready with horses and arms for any expedition to which they may be summoned for the defence of the realm. On the 15th May the summons so foreshadowed makes its appearance, 'affectionately requiring and asking them' to be in London, ready to cross the sea, by the 7th of July.[3]

The Fyrd to be called out and sent Abroad.

These measures were, fortunately, of so flagrant a character that they provoked a decisive crisis. It will be remembered that a similar attempt had united the Northern Barons against John; we might also suggest that Bigod and Bohun might have heard of the successful resistance made by St. Hugh of Lincoln to Richard's request for a body of men to be sent abroad at the cost of his barons.[4]

On the 7th July the levies appeared in London. When proclamation was made for the men to parade before the Constable and Marshal, to pass their musters, the Earls, who had been concerting measures in a little Parliament of their own in Wyre Forest, sent a message to the King to say that as they had come 'simply at request, not under summons,'[5] they must decline to perform acts which might be represented as done 'of service.'[6] The

Barons refuse to go.

[1] Hemingb. sup.

[2] Hemingb. II 119, 120; Trevet, 354; Westm. III 101; Worcester, 531; and Customs Accounts, L.T.R. No. 1, Hull, 25–26 Ed. I. In the Wardrobe Accounts (Pipe Roll, 27 Ed. I fol. 13) of the year we have £12,602 from wool exported and sold on the King's account; and £3,341 in the next year.

[3] "Affectuose requirimus et rogamus"; *Parly. Writs*, I 281–294; *Fœdera*, I 864, 865.

[4] See *Angevin Empire*, 355.

[5] "Par priere et nemye par somonse."

[6] See the statement published by the King himself; *Fœdera*, I 872; Cotton, 330.

King indignantly relieved the Earls of their offices, and they left Court to prepare a list of grievances.[1]

It was under these circumstances, with every class estranged, and the whole nation on the verge of revolt, that Edward bethought himself of making friends with the inflexible Primate, who still held out. On the 11th July writs were issued ordering the restitution of his fees.[2] Three days later King and Archbishop were formally reconciled in public, for the edification of the London mob.[3] Edward appeared on a raised platform in front of Westminster Hall, attended by his son, the Archbishop, the Earl of Warwick, and other prelates and barons. The King made an affecting speech, asking pardon for his sins and shortcomings towards the nation. If he, or his ministers without his knowledge, had taken aught of their goods, to defeat their enemies had it been done, and in order that his lieges might enjoy the rest of their possessions in greater safety. In conclusion he said, 'Behold, I, being about to expose myself to danger for your sakes, do beg of you, if I return, to receive me as you have now received me, and I will restore to you all that I have taken from you. If I return not, I beg of you to crown my son as your King.' The Archbishop was moved to tears, and Palace Yard rang with cheers; while the Barons did homage to young Edward as the King's successor.[4] "From prayers and tears Edward turned in a most businesslike way to ask for money."[5] We might almost say that the stage performance being over the King sent his hat round. His assurance in asking for a subsidy, either from the clergy, from whom he had just wrung a Fifth, or from the mutinous Barons, seems amazing. Winchelsey, however, at once issued writs for a Convocation to consider the subject.[6] Bohun and Bigod, who still kept aloof, met the King's overtures with renewed protests against being called upon to serve abroad; they greatly objected to the King's going at all, as the Scots were in revolt; the country was utterly impoverished; if any grant was to be made, the practice of taking illegal tallages and prises must be abandoned, and the two Charters "reissued, confirmed and observed."[7] The King demurred at first, but on second thoughts said that he would confirm the Charters and the liberties

King apologizes,

and begs for Money.

Barons make Terms.

[1] Cotton, 325; Hemingb. II 122, 123; Westm. sup.

[2] Hemingb. II 122, note Hamilton.

[3] Westm. III 101.

[4] Hemingb. II 122, 123; Westm. III 101, 102; N. Trevet, 358; "Orabant quidam publice, alii autem maledicebant in occulto."

[5] Stubbs, sup. 141.

[6] 19 July, *Parly. Writs*, I 53; Wilkins, Conc. II 226.

[7] Westm. III 102; Hemingb. II 123; Stubbs, sup. For a previous confirmation of the Charters by Edward in 1276 see above, 318.

of the Church, if suitable grants were made to him; and, by way of meeting the lieges halfway, issued proclamations requiring all persons to observe the Charters.[1] The Barons, however, not coming forward, Edward invited a handful of men of no great position to his chamber; and, treating them as a duly constituted Parliament, then and there obtained from them the grant of an Eighth from the Counties and a Fifth from the towns.[2] On such a piece of legerdemain no comments need be offered. Anything more unconstitutional it is impossible to conceive.

A Sham Parliament.

Meanwhile the Archbishop was actively endeavouring to bring the refractory earls and the higher baronage into communication with the King, but without success.[3]

Unable to procure due consent to the alleged grants the King, on the 30th July, issued writs for the collection of the Eighth and Fifth, acknowledging them to have been granted in consideration of a confirmation of the Charters. At the same time he orders the seizure of 8,000 sacks of wool, to defray his obligations to the King of Germany and the Duke of Brabant, the owners to receive tallies for repayment out of the proceeds of the Eighth and Fifth.[4]

On the 10th August Convocation met and discussed the whole position of affairs. The clergy agreed to report to the King their willingness to make an application to the Pope for leave to make a grant; but they maintained that, without such leave, they could give nothing; and that in the meantime they must excommunicate any person who should lay a finger on the clergy or their goods.[5] It will be noticed that, in spite of their recent defeat, the clergy still adhered to their original position. On the 12th August—before the resolutions of the Convocation had been officially reported to the King—he issued a fresh appeal to the people against the two earls. The manifesto is moderate in tone, and follows the lines of the Westminster speech. After detailing the circumstances under which the Marshal and Constable had refused to perform their offices, or to hold any subsequent communication with their King, he goes on to say that he understands that rumour has it that 'certain articles for the common profit of the people of the realm' had been presented to him, and that he had refused to receive them. Nothing of the kind has happened; he has waited in vain for any communication from the earls. He

Clergy still unable to give.

Manifesto by the King.

[1] Westm. III 102; Worcester, 532; Cotton, 327.

[2] Westm. sup. "Concessus est ei a plebe in sua tunc camera circumstante," etc.

[3] See the King's statement, *Fœdera*, I 873, and Wilkins, II 227; Stubbs, sup. 142.

[4] *Parly. Writs*, I 53, 394, 396.

[5] Wilkins, II 226; Cotton, 327; Worcest. 532.

understands that complaint has been made of the Aids taken from the people for wars in Gascony and Wales and Scotland. But these Aids were taken not for his private emolument, not to buy lands or build palaces, but for the defence of the realm, which could not be safeguarded without help from the people. His present expedition has been undertaken for the support of his ally, the Count of Flanders, and to put a speedy end to present troubles. If God grant him a safe return he will make all right. He has confirmed the Charters in consideration of a much-needed grant, which he trusts none will grudge. Lastly he warns all men that disturbers of the peace will be *ipso facto* excommunicate, by virtue of Papal Bulls in the hands of the King.[1]

Grievances of the Nation.

In answer to this appeal the list of grievances was at last presented.[2] It purports to emanate from the archbishops, bishops, abbots, priors, earls, barons, and whole community of the land. The main grievances are, the requirement of service in Flanders, 'where neither they nor their ancestors had ever done service'; the oppressive tallages, and prises of wool, leather, corn, cattle and other goods 'without paying a penny'; the utter disregard of the two Charters, and the crushing 'maletote' of 40*s.* on the sack of wool. In conclusion they beg the King to give up the expedition to Flanders, in view of the troubled state of Scotland and other parts.[3]

On the question of the foreign service Edward had already been forced to give way. He had conceded, after much discussion, that no man was bound to serve in Flanders, except at the King's costs and charges.[4] On these terms a sufficient force was raised without difficulty. The Articles were delivered to him at Udimer, near Rye.

King's Answer to Barons.

His answer was that he could say nothing without the advice of his Council, some of whom were abroad, while others were in London.[5] The King's reply to the resolutions of the clergy was much more trenchant, evincing a wonderful amount of confidence in his own ascendancy. The report of the clergy was presented at Winchelsey, by the Bishop of Rochester [6] and another prelate. The King, having received private intimation beforehand of what they had to say, had armed himself with

[1] *Fœdera*, I 872; B. Cotton, 330. The manifesto, like the Westminster speech, is an interesting proof of the importance that Edward attached to "the support of the people," and public opinion; Stubbs. Even John, however, thought it prudent to give an account of his dealings with the de Braoses.

[2] Stubbs, *C. H.* II 143.

[3] Hemingb. II 124; Cotton, 325; Trevet, 360; Rishang. 175.

[4] Cotton, 327.

[5] Trevet, Rishang., Hemingb. sup.

[6] Thomas of Wouldham, consecrated 2 January, 1292; *Reg. Sacr.*

his most charming manner. To the first point in their resolution he remarked that he was sorry that the clergy could not give without the leave of the Pope, because he could submit nothing to the Pope. His necessities were of such a character that he must take of his own authority; but he would take with such moderation that they would have no reason to complain. On the point of the excommunication he was still more explicit. They must not venture on such a step under pain of forfeiting all they had to forfeit; and therewith he gracefully presented each of the prelates with a ready-sealed writ of prohibition. Bland to the last the King took an affectionate leave of his bishops, craving their blessing;[1] and then marched down to his ship. On the previous day, apparently, he had issued letters for the collection of a third of the temporalities of the clergy; tithes and goods purely spiritual were not to be taxed, but a clergyman might compound for everything by paying a fifth of his income.[2]

To Clergy.

On the 22nd August Edward took the Great Seal from the hands of the Chancellor, John Langton, carrying it on board of his ship, the "cogg Edward." On that day or the next he sailed, having appointed his son, a boy twelve years old, as Regent, with Reginald Grey, Justiciar of Chester, as his chief adviser.[3]

Edward sails for Flanders.

It seems strange that the King should leave England under such circumstances; but both his interests and his honour were involved in the expedition. One ally, his nephew, the Duke of Brittany, had fallen off, gone to Paris, and been raised to the dignity of "*Pair de France*."[4] With Guy of Dampierre, Count of Flanders, a treaty of offensive and defensive alliance against France had been signed on the 6th April.[5] But again Philip had been beforehand. He had mustered an army at Whitsuntide (2 June, Whitsunday), had taken Douai, and been pressing the siege of Lille since the 23rd June.[6] Edward was bound to support his ally. On the 28th August he signs at Aardenburgh, and a few days later at Ghent.[7]

Once assured of the King's departure the Marshal and Constable

[1] "Istas omnes responsiones vultu placido spiritu modesto dedit . . . dulci alloquio dimisit episcopos"; B. Cotton, 335.

[2] *Parly. Writs*, I 396. Stubbs. These writs are dated the 20th August; the writs of prohibition are dated the 19th (*Fœdera*, I 875). B. Cotton states that the interview with the bishops took place on a Wednesday—doubtless the 21st August.

[3] *Fœdera*, I 876; Trevet, 362; Worcester, 533; *Itinerary*.

[4] Martin, IV 414.

[5] *Fœdera*, I 862. For treaties of retainer with Adolf, Scotsmen, Burgundians, etc., id. 863–870. Immense sums must have been spent on these subsidies.

[6] De Nangis, 579 (ed. Brial); Pauli, II 101, 113; Martin, IV 415; Trevet, 355.

[7] *Itinerary*.

raised their heads again. On the 22nd August, before Edward's ship had weighed anchor, they appeared in force at the Bar of the Exchequer at Westminster, and in their own names, and that of the entire *communauté* of the realm, as well clerical as lay, protested against the prises of wool, and also against the commissions that had been issued for the collection of the Eighth, 'alleged in such commissions to have been granted by the earls, barons, knights and *communauté* of the realm, whereas they never did grant the same.'[1]

The King's Acts denounced.

Once more in time of trouble the Londoners made common cause with the Barons. The citizens might complain that they had not seen a Mayor since June, 1285, when the city had been taken into hand;[2] while every child knew that the Kingdom had been drained of its resources, not for home defence, but to subsidize foreign allies in a war for which nobody cared; with the forces collected on one side and the other, the city seemed in a state of civil war.[3]

Londoners rising.

A report of what was happening was transmitted to the King, who directed proclamation to be made that the levy of the Eighth should not be turned into a precedent; and the Regent duly issued the proclamation,[4] but without arresting the popular movement; the collection of the Eighth was resisted; the forbidden excommunication was fulminated by the Archbishop.[5] It became evident that the people would be satisfied with nothing short of the confirmation and amplification of the Charters—"regarded as the essence of the Constitution."

On the 5th September the Regent, moving cautiously, began by summoning a small Royalist Parliament to meet on the 30th of the month. On the 9th September he extended the invitation to the Archbishop and the baronial leaders; while at last, on the 15th of the month, he directed the sheriffs to return two Knights from each shire, to be in London by the 6th October, to receive copies of the King's confirmation of the Charters.[6]

Parliament summoned.

No representatives of the boroughs or of the lower clergy were summoned, but the assembly must be considered on the whole "a sufficient Parliament."[7] The proceedings of the assembly, however, were "tumultuary." The earls brought an imposing force, and they insisted upon having the gates of the city placed in their hands.[8] As a justification for coming in arms they might plead the fact that the Regency had directed

[1] Palgrave, note to *Parly. Writs*, I 32; Westm. III 102; Hemingb. II 127; Trevet, 363.
[2] Chron. London; John Breton had been Warden all the time.
[3] Westm. III 103; Stubbs, 146.
[4] 28 August; *Fœdera*, I 877.
[5] Cotton, 335; Worcester, 533, 534.
[6] *Parly. Writs*, I 56–61. [7] Stubbs, *Select Ch.* 482. [8] Hemingb. II 148.

levies from most of the counties in England to be sent to London at this very time.[1] Moral and physical weight, however, were on the side of the Barons, and the report of a victory gained by the Scots at Stirling made delay impossible. On the 10th October young Edward set his Seal to the terms dictated by the Barons, being a full and explicit confirmation of Magna Carta, according to the re-issue of 1216, together with the like confirmation of the Forest Charter. The King granted that both of these should be held and observed as common law, and Forest 'assize,' respectively, by all royal justices, sheriffs and officers whomsoever 'without blemishment.' This confirmation was supplemented by certain important Articles—any judgments thereafter delivered counter to any points of either Charter to be null and void; authenticated copies of the Charters to be deposited in all Cathedral churches, and read out twice a year to the people, with sentences of the major excommunication against all infringers. 'And for that certain folks of our realm doubt that the aids and prises granted by them aforetime of their goodwill to us for our wars and other needs may be turned into a servitude (*servage*), by reason of their being found on the Rolls, as well as the prises taken throughout the realm by our ministers in our name, we have granted for us and our heirs that no such aids, burdens (*mises*) or prises shall be drawn into a custom, on any account whatever. And we have also granted for us and our heirs to the archbishops, bishops, abbots and priors, and other people of the holy church, and also to the earls and barons, and all the "*communauté*" of the land, that for no need will we take any such manner of aids, burdens and prises, except by the common assent of all the realm, and for the common "profit" of such realm, saving the ancient aids and prises due and accustomed.' Lastly, the King remits the maletote of 40s. on the sack of wool, undertaking for the future to take none such, except by common consent; 'saving the custom on wool skins and leather already granted by the commonalty of the realm.'[2]

Confirmatio Cartarum granted.

Supplemental Articles.

No Aids or Prises to be taken

without Assent of Realm,

saving ancient Aids and Prises

Besides these articles, the authenticity of which is indisputable, certain other articles commonly known as the Statute *De Tallagio non concedendo* have been handed down by the chroniclers. These Articles for a time received official recognition, and even found their way into the Statute Book.[3] But they are now rejected;

and Legal Customs.

An Apocryphal Statute.

[1] *Parly. Writs*, I 299, 300.

[2] Statutes, I 124, 125; *Fœdera*, I 880; Hemingb. II 149; in French; given also with a translation, *Select Charters*, 484.

[3] Statutes, I 125. See Stubbs, *C. H.* II 148; *Select Charters*, 487.

we may regard them as a popular, incorrect version of the real Articles, and they clearly represent the King as having granted considerably more than he did grant. According to these pseudo-articles the King disclaims '*all* exaction of tallage or aid,' not merely the exaction of all *such* aids, burdens and prises as had been previously referred to. Again he forgoes all seizure of goods whatsoever, no reservation being made of the 'ancient aids and prises'; while he releases the whole of the duty on wool, and not merely the illegal excess above the 6*s.* 8*d.* granted in 1275. The document also contains an indemnity to the Barons.[1]

With respect to these alleged concessions it is hardly necessary to point out that Edward never released or meant to release the legal customs on wool, or the ancient and accustomed aids and prises.

Importance of the Articles.

The genuine Articles of 1297 "are the summary of the advantages gained at the termination of a struggle of eighty-two years, and in words they amount to very little more than a re-insertion of the clauses omitted from the great Charter of John. But in reality they stand to those clauses in the relation of substance to shadow, of performance to promise." The assent of the Great Council of 1215 was that of a new-born entity, incapable of enforcing its demands. The assent of the Parliament of 1297 is that of a well-grown organization, with experience, principles, and precedents, an effectual "expositor of the national will."[2]

The Barons of 1297.

Bigod and Bohun both had scores to pay off with Edward, as we have seen,[3] but we are none the less deeply indebted to them for their action. They were the heads of the old baronial party, and the depositaries of its traditions. Bigod's father had been Great Justiciar under the Provisions of Oxford; and Bohun's father had fought on de Montfort's side at Evesham. But they do not come up to the mark of the Magna Carta barons. Their task was infinitely less; they were not called upon to shape the future of constitutional government with tools extemporized by themselves. They found weapons ready made to their hands, weapons which had been forged at Runnimede, burnished at Oxford, and tested in fifty encounters. Robert of Winchelsey was probably the ablest man who had filled the throne of St. Augustine since Langton. He was "a scholar and a divine"; the call for the Confirmation of the Charters may have been his suggestion; but he cannot be ranked

[1] Statutes, sup.; also Hemingb. II 152; Trevet, 367; Rishang. Chron. 181. The last is here of little value, being scarcely more than a revised transcript of Trevet.

[2] Stubbs, *C. H.* II 149, q.v. for a careful survey of the whole situation, the circumstances that led up to it, and the chief actors in it.

[3] Bigod had been suspended by Edward from the exercise of the marshalship during the last Welsh war; Tout, sup. 202.

on a par with Langton. A word of praise should not be withheld from Reginald Grey, the young Regent's Mentor. To his prudence the judicious action of the Regency should be attributed.

Redress of grievances having been granted, the Parliament agreed to a Ninth from barons and counties—the Eighth they would not recognize in any way—and the grant was shortly extended to the towns (October 14, 24).[1] The King then, being at Ghent, finally issued his own personal confirmation of the Charters, with the supplemental Articles.[2] The question of the clerical grant remained. How was this to be arranged without offending either Pope or King? Boniface himself had already suggested a way out of the difficulty; *Clericis laicos* placed no prohibition on unsolicited offerings for national defence;[3] the Scots had invaded England, and the case called for a national effort. On this plea the Southern Province granted a Tenth; and York followed suit by granting a Fifth.[4]

Money Grant.

1 *Parly. Writs*, I 63, 64.

2 *Fœdera*, I 880.

3 So the letter of the 28th February, 1297, issued to get out of the difficulty with Philip the Fair; Worcester, 531; Raynald, Ann. IV 235; Stubbs; *Northern Registers*, 127.

4 Wilkins, *Conc.* I 229, 235; Worcester, 534; Cotton, 339. The archbishop's writ for the collection is dated 4 December.

CHAPTER XXIX

EDWARD I (*continued*)

A.D. 1297, 1298

Rising in Scotland—William Wallace—Battle of Stirling Bridge—Expedition of the King to Flanders—Truce with France—Return to England—Further Confirmation of Charters promised—Invasion of Scotland—Battle of Falkirk.

AMONG the secondary causes that drove the King to submit to the requirements of his subjects the condition of Scotland has already been mentioned. The choice of governors made by the King had not perhaps been very happy. The Earl of Surrey, a man advanced in years, found exposure to the Scottish climate very trying. The active work of governing, therefore, was left to his subordinates. The Treasurer, or as the Scots loved to call him, the Traitorer,[1] Hugh Cressingham, is described as a portly ecclesiastic, sensual and money-loving: on him devolved the unpopular task of collecting the King's rents and revenues. William Ormesby, the Justiciar, exhibited a kind of bull-dog fidelity in hunting out and worrying recalcitrants.[2] But if the three had been a trio of angels they must have been hated by the Scots. We have seen that the higher baronage of Scotland, as a body, were not very hearty in their opposition to the King of England. Being men of double allegiance their English estates and connexions held them back. At last, the lesser gentry and men of middling class, who, whether wisely or not, clung to political independence, found a leader in WILLIAM WALLACE. Born of a knightly family, his social position offered no bar to his taking a post of command in peace or war.[3]

Affairs in Scotland.

Unpopular Governors.

William Wallace.

[1] "Non thesaurarium sed trayturarium regis," Hemingb. II 140.

[2] Hemingb. II 127, 140; Foss, *Judges*, III 82.

[3] The Wallaces of Riccarton and Elderslie can be proved to have held land in Ayrshire before A.D. 1174, having apparently come to Scotland from Shropshire, as followers of Walter Fitz Alan, the progenitor of the Stewarts. The name "Le Walays," in Latin "Wallensis," indicates a Welsh origin. The family, of course, had become thoroughly Scottish; but still it is curious that the man who pledged Scotland to utter resistance to England should be presumably of Welsh extraction. See *National Dictionary*.

His connexions

"For he was cummyn of gentilmen,
In sympel state set he wes then.
Hys fadyre wes a manly knight;
Hys modyre wes a lady brycht;
He gottyn and borne wes in marriage.
Hys eldare brodyre the herytage
Had and joysyd in his dais." [1]

He is described as a man of great strength and daring, fine exterior, and pleasant manners.[2] His actual deeds attest considerable military capacity, hot temper, great determination, and courage untempered by mercy. He was a man of enthusiastic spirit, and capable of exciting enthusiasm in others. Such qualities are not inconsistent with a stormy youth, and a stormy youth Wallace would seem to have led. We hear dimly of an early deed of bloodshed, and of consequent outlawry, giving hostile writers an opening for styling him vagabond and murderer.[3] But, whatever his antecedents in other respects, down to the month of May, 1297, William Wallace was simply the younger son of a landowner of moderate position, and nothing more. All at once a casual scuffle brings him out in the broad light of history, as the leader of a national movement. William of Haselrig, the English sheriff of Clydesdale, had been holding a county court at Lanark. Wallace was present, and became involved in an altercation with some Englishmen; swords were drawn, and Wallace, finding that he was getting the worst of it, took to his heels, and made good his escape, thanks to the kindness of "a pleasand fayre woman," who let him pass through her house. For this offence the unfortunate woman was hung by the sheriff—so at least said Scottish tradition. Wallace, however, returned by night with a band of men, fired the sheriff's quarters, slew him, and cut his body to pieces; so runs the indictment on which Wallace was afterwards hung.[4] For such a deed no pardon could be hoped for. Wallace at once plunged into a war of extermination against all Southrons. Warenne and Cressing-

and Character.

A National Leader.

[1] Wyntoun, *Chronykil of Scotland*, II 91 (Ed. 1795).

[2] "Miræ fortitudinis et audaciæ, decorus aspectu, et liberalitatis immensæ"; Fordun, sup.

[3] "Latro publicus," Hemingb. II 128. "Virum sanguineum," Lanercost, 190. Wallace was charged with having killed the son of one Selby, Constable of Dundee; Hemingb. sup. note Hamilton.

[4] See Fordun, 328; Wyntoun, II 92–95; *Wallace Documents* (Stevenson), 191; Scalacronica, 123. The author of this work, Thomas de Grey of Heton, had the facts from his father Thomas, who was with Haselrig at the time. He was wounded, stripped naked, and left for dead between two blazing houses, the heat of which kept him alive till morning, when he was found and rescued by one William of Lundy; ib.

ham were in England at the time.[1] Ormesby was holding a court at Scone. Wallace made straight for the place, hoping to secure the Justiciar before the news of the disturbance at Lanark had reached his ears. The attempt failed; Ormesby being warned just in time. But the insurgents gained some valuable booty, and an amount of *prestige* that was of much greater importance. William Douglas, the governor of Berwick of the previous year, who had been released and taken the oaths, joined Wallace at once. His support at once gave the movement a stamp of respectability that it did not enjoy before. It is interesting to note that the family that was destined to profit most by the independence of Scotland was the first to support the movement.

The Douglases.

The open country North of 'the Water,' i.e. the Forth, was soon cleared of English.[2] High and low were pressed into the ranks of the insurgents; while shocking cruelties were perpetrated on the English. Aged men and women of Religion were said to have been bound in pairs and thrown into rivers.[3]

General Rising.

The news of the rising apparently reached Edward early in June. On the 4th of that month he orders the sheriffs of Lancaster, Cumberland, and Westmorland to send help to Henry Percy and Robert Clifford, whom he has appointed to suppress the 'robberies' and disturbances in Scotland. Cressingham is ordered back to his post, with authority to raise men in Northumberland.[4] The King was at this very time making arrangements to allow the Scottish magnates 'interned' in England to return to their estates, on condition of raising men for the war in Flanders.[5] It does not appear that the disturbances caused him to alter these arrangements: on the contrary, we are told that he sent home the Earls of Buchan and Mar, John Comyn of Badenoch and others, trusting that they would help to restore order.[6] The next names that appear as ranging themselves against England are those of Robert Wishart,

Edward's Measures.

[1] *Parly. Writs*, I 284; Hemingb. II 128.

[2] Hemingb. II 128.

[3] So Hemingb. II 130. He had his information from an English canon, who had been arraigned before Wallace at Perth, and owed his life to the arrival of a messenger with important news, that interrupted the sitting of the court, and gave him an opportunity of escaping. The nationality of the clergy had a most important bearing on the status of the country. Edward had been filling Scottish livings with English priests.

[4] Stevenson, *Documents*, II 170–184. The estates of Wm. Douglas were taken into hand on the 12th June.

[5] For engagements signed by Scottish nobles, see Palgrave's *Documents*, 186–195. For the safe-conducts to them, see Stevenson, II 175–185. *Fœdera*, II 866, 867.

[6] Hemingb. II, 131; Trevet, 356; Stevenson, *Documents*, II 211, 213.

Robert Bruce.

Bishop of Glasgow, James the Stewart, and the younger Bruce, the Earl of Carrick. His grandfather, the Claimant, died in 1295.[1] His father, Robert Bruce VII, Earl of Carrick in right of his wife while she lived,[2] was a quiet man, who kept on close terms with Edward. But it is impossible to suppose that the alluring vision of a crown had ever faded from the dreams of either father or son. It was reported that the father had actually ventured to broach this delicate subject to the King of England after the battle of Dunbar, and that he had been silenced with the dry retort, "*N'avons nous rien autre chose a fere qu'a vous reaumes ganer?*"[3] On the present occasion, the son, after receiving a commission from the Bishop of Carlisle to ravage the Douglas estates, suddenly joined the national party, declaring that he could not fight against his own flesh and blood.[4] By the beginning of July Percy and Clifford appeared in the South-west of Scotland, with the first of the levies. At Irvine in Ayrshire they were confronted by Bruce's force. His numbers are said to have been considerable, but the superiority of the English in point of equipment and drill was such that he offered to treat. On the 7th July Percy and Clifford signed

Terms offered.

a pardon for the Bishop of Glasgow, Bruce, Stewart, Douglas, and all the commonalty of Scotland, on condition of immediate submission, and of an undertaking that they would serve in Gascony during the King's pleasure. On the 9th of the month these terms were formally accepted by Bruce, the two Stewarts, Alexander Lindsay and Douglas. Lindsay and Douglas rashly placed themselves in the hands of the English, and were rewarded with fetters for their pains. It would seem, however, that Douglas was to have delivered hostages, but had failed to do so. Again, the Bishop, Stewart, and Lindsay had given their personal guarantees (*mainprise*) 'of life and limb and earthly possessions' for Bruce's surrender of his daughter Marjory; an undertaking that he likewise failed to make good; and so the poor Bishop also had to submit to incarceration.[5]

So wholly was Edward still bent upon raising troops for his foreign war that we find him on the 30th July releasing the Earl of Atholl and the younger Comyn of Badenoch, on the same terms

Bad Effect.

of service as the others.[6] One result of this policy was that the people of Scotland were urged to utter resistance

[1] Bain, *Calendar*, II 164.

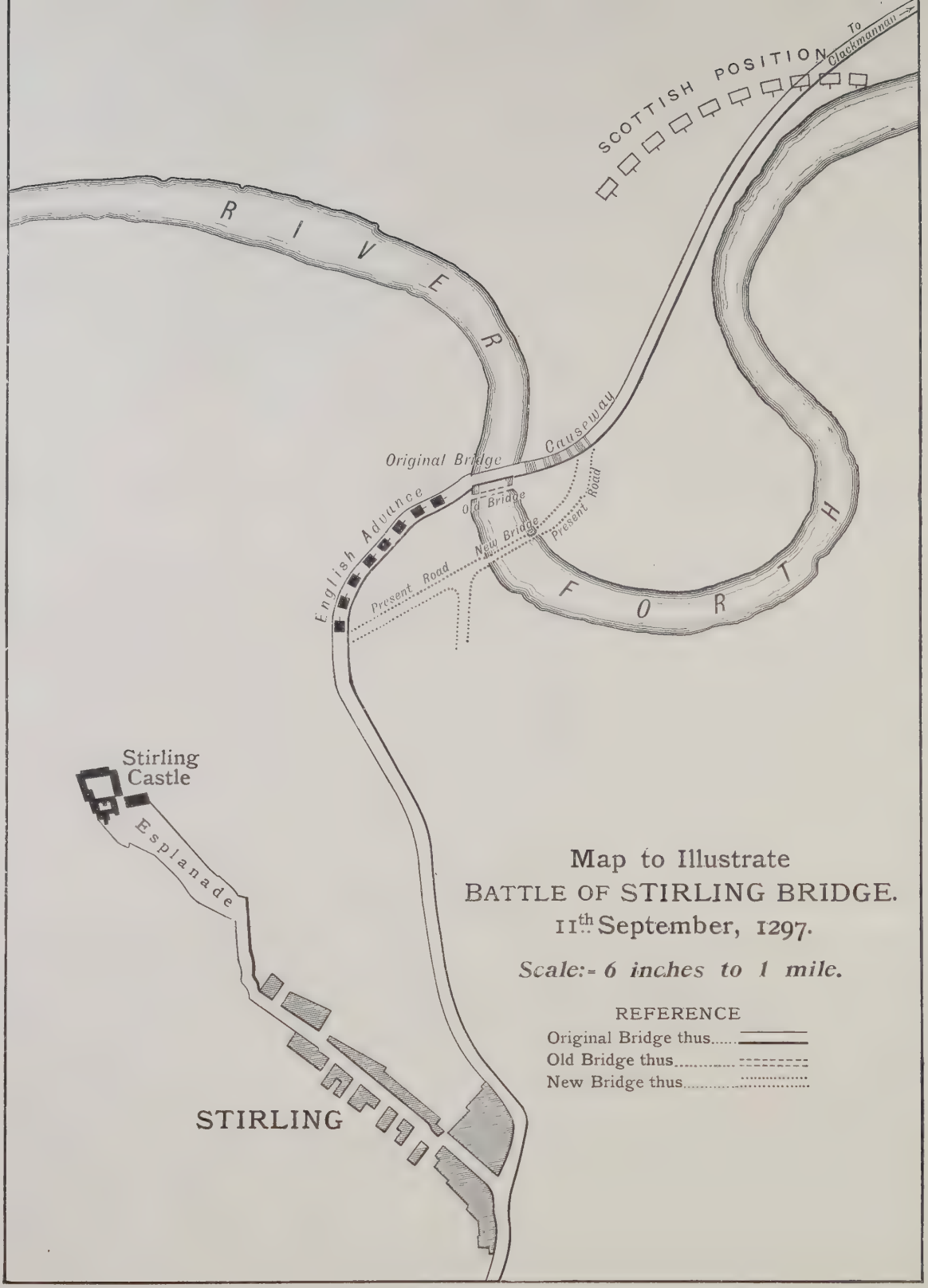
[2] The Countess Margaret died in or before 1292; *Complete Peerage*.

[3] Fordun, 326.

[4] Hemingb. 129, 132.

[5] Stevenson, *Documents*, II 192, 204, 218; Palgrave, *Documents*, I 197; *Fœdera*, I 868. On the 14th November Clifford was again authorized to admit Bruce to terms; *Fœdera*, I 881. There is nothing to show that he came in.

[6] *Fœdera*, I 869.



Map to Illustrate
BATTLE OF STIRLING BRIDGE.
11th September, 1297.

Scale:- 6 inches to 1 mile.

REFERENCE

Original Bridge thus.....

Old Bridge thus.....

New Bridge thus.....

[To face p. 453.

by reports that Edward intended to 'seize all the middle folk of Scotland . . . and send them over sea, to their great damage and destruction.' [1]

From Irvine Percy and Clifford fell back on Roxburgh, in full assurance that they had pacified Scotland. At Roxburgh they found Cressingham, with a body of men-at-arms and some footmen. Wallace was reported to be in the Forest of Selkirk; but the English leaders concluded to wait for the Earl of Surrey, 'and so matters went to sleep' (24 July).

All Scotland in Revolt.

At this time we learn from an official report to the King that not one penny of rent or taxes could be raised in Scotland; and that by 'death, sieges or imprisonment' his officers had pretty well been cleared out of all shires except Roxburgh and Berwick.[2] At the beginning of August we find Warenne at Berwick, 'expecting' that Bruce and the Stewarts will come in shortly; and we hear of the King on the Sussex coast, bargaining with Brian Fitz Alan to take a contract for the 'maintenance' of peace in Scotland at a lower rate than Earl Warenne would take it.[3]

Surrey obliged to Act.

Both alike deceiving and deceived. At last Surrey realized the unwelcome fact that he must make up his mind to grapple with the insurgents in the dim regions beyond 'the Water.' Few of the insurgents had as yet fallen into his hands, while Wallace was demanding guarantees for national rights. The people were all with him, and in their hearts most of the gentry also.[4]

Wallace's Position.

On the 10th of September the English host, led by Surrey and Cressingham, reached Stirling. They felt so strong that Cressingham, from motives of economy, had sent back Percy and his detachment.[5] On the opposite side of the river Forth Wallace confronted them, at the foot of the Ochil range, at a distance of about a mile from Stirling bridge: [6] at his back he had the Ochils: his left rested on the river Forth; in front he had a low swampy meadow, with a causeway leading up to the then Stirling bridge: a horseshoe bend of the stream covered his right flank, and secured him from any attack except along the causeway. No spot could be better chosen.

[1] So a letter from some Scottish nobles to the King; Stevenson, II 198.

[2] Stevenson, *Documents*, II 198–209.

[3] Id. 216, 226; *Fœdera*, I 874.

[4] So Hemingb. II 134. According to Fordun a fresh edict for the expulsion of Englishmen, lay and clerical, was issued by Wallace on the 20th of August; p. 329.

[5] I pay no attention to the estimated numbers, 50,000 foot, etc.

[6] "In altera parte montis, supra monasterium de Skambskynel," (Cambus Kenneth), W. Hemingb.

The bridge was evidently of wood, and must be supposed to have occupied a site just above the existing Old Bridge, where abutments of a former bridge have been discovered. The causeway, after a slight bend, would coincide pretty well with the existing road to Clackmannan.[1]

James Stewart and the Earl of Lennox[2] were negotiating with the insurgents to avert a contest. On the evening of the 10th September they returned to Stirling to say that Wallace was impracticable. With that they departed, promising to return with succour on the morrow. This incident probably exemplifies well enough the position of the higher Scottish aristocracy. Committing themselves ostensibly to neither side, they gave Wallace as much covert aid as they could.

Battle of Stirling Bridge.

The morning of Wednesday, 11th September, found the English camp divided and 'unredy.' The Earl slept late, "and that was his folie, so long in his bed gan ligge."[3] When he did appear he began by dubbing knights in approved fashion. His military advisers were loth to cross a narrow wooden bridge, barely wide enough for two horsemen to ride abreast, in the face of an enemy drawn up to receive them. Richard Lundy, the one hearty ally the English had gained, offered to lead a party round to a distant ford. This was condemned, as involving a division of forces. At last Cressingham trenched the question from the financial point of view. Time was money, he said; and the state of the Exchequer required an immediate end to be put to the rebellion. Then the Earl gave the word to cross. Eleven hours' marching, we are told, would not have sufficed to transmit the English army without their baggage. A final mission of two Friars, sent to the Scottish camp to prevent useless slaughter, returned unsped, Wallace defying the English to their beards.

Defeat of the English.

The English standards advanced. When the Scottish leader judged that a sufficient number had crossed he sent round a body of spearmen to make a flank attack on the causeway at the bridge end, cutting the English force in two. Marmaduke Twenge in the English van charged the Scottish horse and scattered them, but before he could follow up his advantage he found that behind him all was confusion and slaughter. Giving up

[1] See map. A local theory was once started that the battle was fought on ground higher up the river, the English being supposed to have crossed by a bridge at Kildean; and this is the battlefield shown on the Ordnance map. But the site suggested does not at all suit the accounts of the battle. For a refutation of the Kildean myth see the excellent article by Mr. W. B. Cook of the *Stirling Sentinel* (Stirling, 1905).

[2] Malcolm, son of Malcolm. He was one of Bruce's arbiters in 1292; *Fœdera*, I 767.

[3] R. Brunne, II 297.

the day as lost, he cut his way back through the Scots to the bridge, and escaped, with his nephew and an esquire, two of them riding on one horse. Few of his division were as fortunate, the bulk of them being either killed or drowned, the bridge having been broken down by the Scots. A few hardy Welshmen and one mounted knight saved themselves by swimming the river.[1] The old Earl rode off to Berwick; Cressingham was among the slain; the Scots flayed the corpse and distributed portions of the skin as trophies.[2]

Scotland now for a while was left to the Scots. The minor fortresses fell into their hands; but English garrisons maintained their hold on Edinburgh, Stirling, Roxburgh, and Berwick. The reins of government were assumed by one Andrew Murray and William Wallace, as 'Leaders of the Army of Scotland,' in the name of the only King of Scotland that they could recognize, King John.[3] But with the King in exile, and the great Lairds lukewarm, if not obstructive, their authority could be little more than nominal, and the state of the country must have been one of practical anarchy. At the same time a popular army flushed with victory could not be kept at home in a defensive attitude. After a short time, spared for the ingathering of a scanty harvest, the Scots burst into the Northern counties (October). The Northumbrians, anticipating this result of the battle of Stirling, had moved South of the Tyne with their goods and chattels, their flocks and their herds, their wives and their little ones. They were beginning to return home when the storm burst upon them. From St. Luke's to Martinmas (18 October–11 November) the Scottish bands roamed through Northumberland at will, burning and ravaging. 'In those days the praise of God was not sung in church or monastery from Carlisle to Newcastle.' Bad weather, and the bold attitude of Bishop Beck kept them from crossing the Tyne. One detachment entered Cumberland, and burned Inglewood and Allerdale as far as Cockermouth.[4] Carlisle was besieged from the 11th November to the 8th December.[5] One incident recorded of Wallace deserves notice as

Andrew Murray and Wallace, Wardens of Scotland.

Scottish Raid through Northumberland and Cumberland.

[1] See Hemingb. II 133–140, a spirited and detailed account, evidently taken from eye-witnesses; Trevet, 365; Rishang. 180; Fordun; Lanercost; Burton, II 189; Scalacronica, sup.

[2] Ib.

[3] See the Letters of Protection given by them to Hexham Priory; Hemingb. II 144. The identity of Andrew Murray has not been established. He must not be confounded with either of two men of the same name, of whom the elder was a captive in England at the time, and the son was killed at Falkirk. His son again, born after his death, lived to become Andrew Murray of Bothwell, brother-in-law of King Robert and Regent of Scotland. See Bain, *Calendar*, I xxix 300.

[4] Hemingb. II 141–147.

[5] *Northern Registers*, 155. The diocese of Carlisle was in a state of disorganization four years later; id. 151.

being thoroughly authentic, and honourable to the man. On the 6th or 7th November Murray and he came to Hexham, on their way homewards. One of the canons having ventured to return, Wallace requested him to celebrate Mass. After the elevation of the Host the Scottish leader left the dilapidated chapel to disarm. In his absence some of his followers stripped the altar of the chalice and other ornaments, carrying off even the Mass-book. Wallace expressed the greatest indignation at the sacrilege; swore that he would hang the offenders if he could find them, and gave the canons the Letters of Protection already referred to.[1]

In vain the Regent called for mass levies from the Northern counties, to resist Scottish inroads.[2] Petty raids up Annandale were the only operations that Robert Clifford could carry out.[3]

Meanwhile affairs on the Continent had not run favourably for the recovery of Aquitaine. The German alliance, as might be supposed, had proved utterly infructuous. Adolf had no motive for drawing the sword in earnest. He was very weak at home, and Boniface was constantly at him to make peace. Nothing that Edward could say or do availed to drag him into action. Then John of Avesnes, Count of Holland, another of Edward's supposed confederates, discarded his alliance, and joined Philip [4] in a counter-confederation, that was to have included Arragon and the Genoese.[5] On the 22nd August Edward, as already mentioned, embarked at Winchelsey, landing about the 27th August at Sluys.[6] The troops were no sooner disembarked than a furious fight broke out between the men of the Cinque Ports and the Yarmouth men, on the strength of some old grudge. Twenty vessels were said to have been burnt. One of the King's treasure ships had to put hastily to sea to keep out of danger.[7] This was of bad augury for the future. Edward joined his host, Count Guy, at Bruges, to learn that Lille had fallen, that the French were masters of the country up to the line of Ghent and Bruges, and in fact were close at hand, in overpowering strength, ready for battle.[8] A strictly defensive attitude was the only course open to

The War with France.

Unprofitable Allies.

Edward in Flanders.

French Successes.

[1] Hemingb. II 141–147; Lanercost, 190.

[2] Bain, *Calendar*, I 245.

[3] December, 1297; February, 1298; Hemingb. II 146.

[4] See generally *Fœdera*, I 857 879; Pauli, II 131; citing Warnkönig, *Fland. Staats u. Rechtsgesch.* I 194, 198; Trevet, 363.

[5] Tout, sup. 192.

[6] *Fœdera*, I 876; Hemingb. II 158; Trevet, 362. Edward signs at Aardenburgh on the 28th August; *Itinerary*.

[7] Hemingb. sup.

[8] De Nangis, 579; and the Flemish authorities in Desmel's *Receuil*, I 163, 374; cited Pauli, II 132; Hemingb. II 159.

English Difficulties.

the allies. But at Bruges the English found themselves in a hostile atmosphere; the burghers had come to an understanding with Philip, and refused to make a special treaty with Edward, even though he offered to defray half the expense of refortifying their city. The allied headquarters accordingly were removed to Ghent, the French executing a parallel advance to Courtrai.[1] It soon became clear that neither side could gain anything by prolonging the war. William of Hotham, late Provincial of the Friars Preachers, now Elect of Dublin, a man of culture, who had lectured in theology in Paris, and was well known to the French Court, sought Philip's camp.[2] Through his mediation on the 9th October a short armistice was signed. On the 20th of the month the armistice was proclaimed at Westminster, the English ports being declared open to foreign merchants, the best proof that peace was really meant. On the 23rd November the truce was prolonged to Lent, 1298,[3] and after that again to the Epiphany, 1299.[4]

Truce signed.

Diplomacy was now free to wind its devious course. The negotiations were pressed on by the Pope, to whom Edward showed himself much more accessible than his rival had done, although Boniface had gone out of his way to comment in strong terms on the King's subjugation of Scotland.[5] On the 15th January, 1298, Boniface renewed the suggestion of a matrimonial alliance between England and France.[6] A month later Edward accredits an embassy to the Supreme Pontiff and Curia; a step that Philip condescended to follow;[7] but, strange to say, the French King refused to submit anything to the decision of the spiritual Head of Christendom as such. The only reference to which he would agree was one to plain Benedetto Gaetani,[8] and, stranger still, rather than not arbitrate at all, Boniface accepted the reference in that form.

Negotiations for Peace.

Boniface VIII to arbitrate.

The English decidedly outstayed their welcome in Ghent, if indeed they had ever been welcome there at all. The troops, and noteably the Welsh, were under no control, and misbehaved grossly. They plundered freely, and actually looted Damme, a place that had opened its arms to the King on his landing.

Misconduct of English Troops.

[1] Hemingb. sup; Trevet, 363.

[2] Hemingb. II 160; Trevet, 364.

[3] *Fœdera*, I 878, 880; B. Cotton, 340; cnf. De Nangis, sup.

[4] Id.

[5] "Super facto regni Scotiæ . . . quod minus juste minusque licite dinosceris detinere," etc.; *Fœdera*, I 883.

[6] *Fœdera*, I 883.

[7] Id. 887, 888, 896.

[8] "Tanquam in privatam personam, et Benedictum Gaetanum"; "Comme en privée persone et Benoit Gaetan"; id. 902.

Edward, however, was very indignant, and hanged several of the offenders.[1] The natives did not conceal their antipathy. One day, when Edward and the Count had gone out for a ride, on coming home they found the gate closed against them. The Welsh, who were quartered outside, managing in some acrobatic manner to cross one of the streams by which the city was intersected,[2] got inside, burned down the gate, and admitted the King in triumph. On another occasion a crossbow was discharged at him in the street; a man riding beside him was killed. Edward ordered the street to be fired.[3] At the last the misconduct of the English nearly involved them in a Palermitan massacre. A general rising of the populace was planned for the 3rd February, two of the Count's sons taking the lead. The English were saved by the promptitude of the King, who got his men together at the first word of treachery. The Welsh stormed the gates; matters were looking very serious, when the distracted Count[4] hurried up with excuses. Edward accepted his apology, and the tumult was stayed;[5] but he was glad to purchase peace by making liberal compensation for damages. Unfortunately the means were provided, in part at least, by allowing Flemish merchants to manufacture spurious coin for circulation in England.[6]

Edward shot at.

A Massacre planned.

A Financial Expedient.

In spite of these troubles Edward stayed on another six weeks in Flanders, doubtless on account of the facilities offered for carrying on the negotiations with France and Rome. But while wishing for peace he was careful to prepare for war. One of his last acts was to renew the retainer of eighteen Burgundian barons for service against France, if the war should continue beyond the month of June, they having already been paid up to that time.[7]

On the 28th February the King moved to Aardenburg, and again on the 10th March to Sluys. On the 14th of the month he landed at Sandwich; next morning Langton, the Chancellor, resumed charge of the Great Seal.[8]

Return of the King.

During the King's absence the war with the Scots had naturally

[1] Hemingb. II 159; Trevet, 363; Westm. III 103.

[2] "Ineffabiliter super lanceas suas, cum alterutro juvamine, ripas transierunt."

[3] Rishang., 413, 414.

[4] "Venit comes tristis vultu et facie mutata."

[5] 3 February, 1298; Hemingb. II 170–173; Trevet, 170.

[6] For this currency, known as "crockards," and "pollards," and by various other names, see Hemingb. II 187; Rishang. 195, 380; Chron. London (Aungier), 27; Ruding, *Annals*, I 199–201. They were finally put out of circulation by Act of Parliament in 1299; Statutes, I 131.

[7] *Fœdera*, I 888. They had received 30,000 livres Tournois (£7,500) for service to June; they would receive half that for the next year.

[8] *Itinerary; Fœdera*, I 889.

languished. The Earl of Surrey, at first superseded on account of his mismanagement of affairs at Stirling Bridge, had to be re-invested with the chief command,[1] the King not having too many friends among the higher baronage. Levies of Welshmen and others were called out to meet at Newcastle on the 27th January (1298), while a Grand Council or Parliament of Magnates, including the Scottish Baronage, was called to York for a week earlier.[2] The Scots failed to appear; but the Marshal and Constable, with the Earl of Arundel,[3] the barons Percy, Wake, and Segrave, and, of course, Earl Warenne were there. A confirmation of the Charters with the supplemental Articles was demanded, apparently as a condition of service, and conceded.[4] The forces were then led across the Border; Wallace was chased from the siege of Roxburgh Castle, and the town of Berwick re-occupied; the garrisons in both citadels were refreshed, and then the Barons disbanded their forces, having received orders from the King to suspend further operations till his return.[5]

Events during King's Absence.

Grand Council at York.

Re-confirmation of Charters required.

The King's return was marked by two popular measures: one the appointment of commissions for inquiring into all 'prises' taken since the beginning of the war with France; the other the restoration of the civic franchises of London, suspended since the year 1285.[6] But Edward's chief concern was the prompt renewal of the war with the rebellious Scots. Levies from Wales and the Welsh March, with provisions from Ireland, had already been ordered from abroad.[7] On the 30th March the King held a Privy Council and issued writs to 155 military tenants, requiring them to appear with horses and arms at York on Whitsunday (25th May); a few days later further levies of Welshmen were called for, while on the 10th April Parliament was summoned to meet at York on the same 25th day of May. The sheriffs were required to return two knights from each shire and two citizens or burgesses from each city and borough town, a complete Parliament as now recognized.[8]

The War with Scotland.

Preparations.

At York the question of the Confirmation of the Charters was once more brought up by the irrepressible Bigod and Bohun. It was

[1] *Fœdera*, I 874, 877, 884.
[2] *Parly. Writs*, I 307; *Fœdera*, I 883.
[3] Richard FitzAlan, son of John; a young man, aged twenty-five, first summoned to Parliament in 1292; *Complete Peerage*.
[4] *Parly. Writs*, I 307; *Fœdera*, I 883, 885.
[5] Hemingb. II 155–157; Trevet, 370; Lanercost, 191.
[6] *Fœdera*, I 891, 892; Chron. London, 19, 25.
[7] *Parly. Writs*, I 306; *Northern Registers*, 136.
[8] *Fœdera*, I 890–892.

Parliament at York.

whispered that the King might not think himself bound by a charter sealed out of the kingdom: the Earls demanded a further re-confirmation as a condition of attendance in Scotland, though, by the way, the King was to be there in person, when, on their own showing, their service would be due. Edward assented, but as it was not etiquette for Kings to swear by their own Royal mouths, by his directions the Bishop of Durham, the Earls of Surrey and Warwick, and Ralph of Monthermer, the new Earl of Gloucester,[1] swore on behalf of the King that if he returned victorious he would grant all that was asked. A final tryst was then fixed for the 25th June at Roxburgh.[2]

Further Confirmation of Charters promised.

On his way to the place of meeting Edward paid a due visit to St. John of Beverley, the favouring Saint, whose banner had already led England's sons to victory.[3] On the green banks of the Teviot Edward mustered his mail-clad cavalry, no doubt a splendid sight. The footmen were comparatively few in number, and mainly drawn from Wales and Ireland, the King having abstained from impressment elsewhere, doubtless out of regard for the recent constitutional movement;[4] but a free pardon was offered to outlaws who would serve. A small body of well-equipped Gascon horse joined later. As for numbers, in the absence of official figures, judging by the forces we found in the Welsh wars we should give 1,500 to 2,000 mounted men, *milites* and mounted *servientes*, more or less, as a likely estimate. The figures of the chroniclers are as preposterous as usual.[5] Two hundred and four felons received pardons at the close of the war, without standing trial, the King having become more liberal.[6]

Muster of Forces.

The chief, if not the only, difficulty with which Edward had to contend was that of the commissariat, Wallace having systematically wasted the country beforehand; while the English again now destroyed anything that they could find to destroy.[7] The sea-transport, on which the King relied, was of course at the mercy of the winds and

[1] Second husband of Jeanne of Acre, who married him clandestinely late in 1296 (Dunstable, 407). Edward, who was proposing to marry her to Amadeus of Savoy (*Fœdera*, 861), was greatly incensed, and seized all her property and imprisoned Ralph, but soon relenting, created him Earl of Gloucester and Hertford; *Parly. Writs*, I 296; Trevet, 358; *Complete Peerage*.

[2] Hemingb. II 174; Trevet, 373; Rishanger, 186; *Parly. Writs*, I 38, note; Stubbs.

[3] Hemingb. II 173. Edward was at Beverley 2, 3 June; *Itinerary*.

[4] "Non arctabantur aliqui nisi qui gratis venire voluerunt"; Hemingb. sup.

[5] The comparatively small force of Welsh and Irish is given as 80,000 (!). Mr. Morris, sup. 82, thinks 2,400 cavalry a likely number.

[6] Calendar Pat. R. III 365–374.

[7] Lanercost, 191; Hemingb. II 174.

waves. A party under Bishop Beck, detached for the siege of Dirleton, and two other castles in East Lothian,[1] retained by the Scots, were fain to fill their bellies with pulse and beans gathered in the fields.[2] From Roxburgh the King evidently crossed the Tweed at Kelso, and thence marching by Redpath, Lauder, Fala, Dalhousie, and the Braid Hills, to the West of Edinburgh, finally reached Temple-Liston, now Kirk-Liston, on the 15th July,[3] and in great difficulties for want of supplies. Some ships, however, laden with wine having come in, Edward, as once before in Wales, ordered the liquor to be given to the men. A portion was even allotted to the poor starving Welshmen. The stimulant took too much effect on their wasted frames.[4] Getting quarrelsome in their cups they ventured to fall foul of the 'Lord's anointed,' as the English writer styles his countrymen. Eighteen of these were said to have been killed by the Welshmen. The men-at-arms then turned out in strength, and, falling on the Welsh camp, put eighty of them to the sword.[5]

Advance into Scotland.

Supplies short.

Faction Fight in Camp.

This was not encouraging. The distress went on increasing; nothing could be heard of the enemy; Edward had almost made up his mind to turn homewards; if Wallace could but have kept his bellicose countrymen in hand for a few days more, the campaign would have been at an end. Wallace may have been to blame. But those who know the Scottish character best, will best appreciate the difficulty of keeping them in hand. Believing the English to be already retreating they resolved to follow. Early on the morning of the 21st July the Earls of Angus and March, two firm adherents of the English cause,[6] brought word that the Scottish host was at Falkirk,[7] about twenty miles distant, and meditating an attack on his camp or his rear. 'Blessed be the Lord,' said the King with a sense of inexpressible relief, 'I will not trouble them to seek me.' Marching orders were immediately issued.

The Scots advancing.

Edward hastens to meet them.

1 Tantallon and Saltcoats (?).

2 "Non habebant quod comederent nisi pisas et fabas quas excutiebant in campis"; Hemingb. II 175. We regret to note again here that the chronicler records that the King with regard to these castles forbad any quarter to be given; the result, however, was that the places at once surrendered.

3 *Itinerary.*

4 "Moriebantur glomeratim"; Hemingb. 176.

5 Id.

6 The Earl of Angus was Gilbert of Umphraville, an Anglo-Norman; he had been appointed governor (*capitaneum*) of Berwick in May (Stevenson, II 283). The Earl of March was Patrick of Dunbar, descendant of the Saxon Earl Gospatrick of the time of the Conquest. He had been summoned to York; *Parly. Writs*, I 65.

7 Properly "Fahkirk," in Latin "varia" or "variata" capella, meaning the 'party-coloured' or 'spotted' church; Fordun, 330; Lanercost, 192.

That night King and army slept on the Burgh Muir of Linlithgow,[1] each man pillowed on his shield, with his steed tethered beside him; 'the horses tasted nothing but cold iron, champing their bits.' At dead of night an alarm was raised; the King had been trampled on by his charger; he was seriously injured, he was killed. The horse, in fact, had broken loose, through the carelessness of the groom, and put his foot upon the King; but the injury proved to be trifling.[2] After this disturbance an early start was made, and Linlithgow was passed about sunrise. In a little while spears became visible on a rising ground in front, presumably about Polmont. The squadrons pressed on, but the enemy disappeared. On reaching the banks of the West-Quarter Burn, apparently a halt was called; a tent was pitched, and the King and the Bishop of Durham proceeded to hear Mass, the Mass of St. Mary Magdalene's Day (22 July). Meanwhile, as a battle, apparently, could not be avoided, Wallace was arraying his ill-armed undisciplined bands as best he could. He was posted along the crest of a gentle slope, his right resting on Falkirk Church, his left extending towards the present Grahamston, a place not then in existence. In front he had a boggy swamp between him and the English;[3] his position is still locally known as the Campfield, i.e. Battlefield. His footmen, the main strength of his army, were drawn up in a line of four circular rings, or 'schiltrons,' closely packed; the men of the front ranks sitting or kneeling, with levelled spears.[4] The archers, mainly from the Forest of Ettrick and Selkirk—the great historic Forest of Scotland—were aligned between the rings, and the slender force of cavalry in the rear. As a protection to his front he set up palisades of stakes interwoven with ropes.[5]

Mass sung.

Scots' Position and Formation.

> "Ther speres poynt over poynt so sare and so thick,
> And fast togedere joynt to se t'was ferlike;
> Als a castelle thei stode that was walled with stone,
> Thei wende no man of blode thorgh tham suld have gone."[6]

As against cavalry no arrangement could be better; not so as against archery, but then Wallace had no means of resisting them,

[1] "In mora juxta Linliscoch pernoctaverunt."

[2] Hemingb. II 178.

[3] "In campo duro et in latere uno cujusdam montiscelli . . . lacum intermedium bituminosum"; Hemingb. MS. Trin. Coll.

[4] "Sedebant viri lancearii cum lanceis suis obliqualiter erectis," Hemingb.; "Densissime, cum lanceis suis protensis et contiguis," Rishang. 415.

[5] Rishang. 187.

[6] R. Brunne, II 305.

In the absence of special circumstances the English combination of cavalry and archers was, at the time, irresistible.

Speech by Wallace.

'*There*,' said Wallace to his men, when all was ready, '*I have browghte zou to the ryng, hoppe zef ze kunne*' (dance if ye can).[1]

When these dispositions were reported to the King, and it became clear that a pitched battle lay before him, he suggested a halt to refresh the troops, who had not had a regular meal for twenty-four hours. The barons, however, were too eager to hear of any delay; they also pointed out that it would not be prudent to off-saddle with only a rivulet between them and the enemy. 'Be it so, then,' said Edward solemnly, 'in the name of the Father and the Son and the Holy Ghost.'[2]

The English horse advanced in three successive lines or divisions, an arrangement not unusual with cavalry.[3] The van was led by the Marshal, the Constable, and the Earl of Lincoln; the second division was under the never-failing Bishop Anthony Beck of Durham; while the rear division, under the immediate orders of the King, was kept in hand as a reserve.

English Formation.

The King began by ordering the Welshmen to the front. But they were sulky and mutinous from the rough handling they had received three days before, and so the initiative was left to the men-at-arms.[4] The first division rode straight at the Scottish position, but being checked by the swamp wheeled 'to the West,' i.e. to the left, and then wheeling round to the right fell on the Scottish right. The Bishop of Durham, following their example, executed a similar movement 'to the East,' i.e. the right, but thinking that his men were pressing on too fast he suggested that it might be well to wait for the support of the reserve. 'To thy Mass, Bishop,' retorted his second in command, Ralph Basset of Drayton, indignantly. 'Leave us to fight.' The Scottish cavalry, thus attacked on both flanks,[5] made off almost without striking a blow, all but Wallace, and the other mounted officers in command of the footmen. The Scottish archers were then ridden down, John Stewart falling in their midst. After that the English were free to devote their attention to the hapless "schiltrons."

Battle of Falkirk.

[1] Rishang. 187; cnf. 385, where we have "gamen," 'the games,' instead of "ryng." The meaning is clear. Grey in the Scolacronica paraphrases the words, "Fust dit . . . que lour avoit amene au Karole dauncent sils volount"; p. 125.

[2] Hemingb. II 179, Harleian MS.; *Wallace Papers*, 37.

[3] Cnf. Battle of Tinchebrai, *Foundations of England*, II 254.

[4] Rishang. 187, 386.

[5] Speaking of the English cavalry (*equites*) the Lanercost writer says, "Circuentes, undique transvolverunt eos" (sc. the Scots); p. 191.

Archery against Solid Formation.

Against the charges of the horsemen they held their ground well enough for a time; but the winged arrow decimated their ranks, and when arrows began to fail the sling and the stone were brought to bear on them.[1] At last the horsemen broke the rings, and the rout was complete.[2] Among the few men of name who fell on the Scottish side were young Andrew Murray of Bothwell, father of a future Regent of Scotland,[3] Macduff, of whom we heard in 1293, uncle of the Earl of Fife, who was under age, and James Graham of Abercorn. Macduff's followers, the "gentil-man of Fiff," and the "Brandans" of Bute, were among the heaviest losers of the day; Grahamstown preserves the memory of the fallen Graham.[4] Wallace saved a remnant of his force by retreating into the adjacent woods at Callandar, where in fact he ought to have been all the time. The pursuit in another direction must have been pushed as far as the river Carron, as we hear of fugitives who lost their lives by drowning. On the Eng'ish side only two men of rank fell: Brian de Jay, Master of the Temple in Scotland, and another Brother of the Temple, who both fell pressing the pursuit into the Callandar woods.[5]

Rout of Scots.

With the battle of Falkirk ended the political career of William Wallace. Our Scottish authorities, if authorities in the plural they can be called, being really only one,[6] assert that he had encountered persistent underhand opposition from the Comyns, Balliol's supporters. With his following annihilated or dispersed, his *prestige* gone, he succumbed to their intrigues, and resigned his post as Warden (*Custos*) in favour of the younger Comyn of Badenoch.[7] He might think himself a failure, but, from a broader point of view, he had not striven in vain. In fourteen

Wallace resigns command.

[1] Among the articles ordered for the war we find leather for slings; Stev. *Docts.* II 292.

[2] See Hemingb. II 178–180, an excellent account, that must have been derived from the narrative of an eye-witness; also Lanercost, 191.

[3] See Bain, *Calendar*, I xxx 300.

[4] Fordun, 330; Wyntoun, II 101; *Wallace Papers*, 138. The Bute men had the name of Brandans from their regard for St. Brandan, an Irish Saint, who had a cell in Bute. See *Scotichron.* II 315, 316.

[5] Hemingb. II 181; Westm. III 104; Trevet, 373. For Brian, see Stev. *Docts.* I 220, 345. He was authorized to act on behalf of the English Master, Guy Forest, who was out of health. I reject the allegation of the Scottish writers that Bruce, the Earl of Carrick, fought on Edward's side at Falkirk, namely in the 2nd Division with Bishop Beck. He was resisting the King at Ayr three weeks later. His father, Robert Bruce VII, might have been with Edward; he kept loyal to him.

[6] Fordun, sup.; cnf. Wyntoun, sup., and *Scotichron.* II 175, evidently repeating Fordun's text.

[7] Id.

His real Success.

short months he had consolidated the nationality of Scotland: he had set a great gulf between the Scots and the English. Before that time union under pressure might have been just possible: now it was impossible. Personally he never despaired of the cause, but continued in active support of the national party to the last.

From Falkirk Edward advanced to Stirling. The retreating Scots had burned the town, but the Black Friars' monastery had escaped the flames; there the King rested fifteen days to recover from the injury inflicted by the foot of his steed.[1] From West Lothian Edward returned to the neighbourhood of Edinburgh; he would not enter the city—he hated cities—his errand was to give audience to ambassadors from Philip, who was pressing for the liberation of Balliol and his son.[2] Meanwhile detachments had been sent into Clackmannan and Fife, and the whole of those districts were, in the words of an old chronicler, "clene brent." The city of St. Andrews was found deserted and empty: the empty dwellings were given to the flames; the English pushed on to Perth. But the Fair City had already been burnt by the Scots themselves.[3]

Movements after the Battle.

Fife and Clackmannan ravaged.

Edward himself did not repeat his Highland tour of 1296. For a change he turned to explore the South Western districts, as yet unvisited by him. Traversing the Forest of Selkirk he reached Ayr on the 26th August. At his coming the Earl of Carrick fired the town and fled. Edward would fain have pursued him into Galloway, but absolute want of supplies kept him back, the stores ordered by sea not having come forward. For ten days famine prevailed in the camp. At the beginning of September the King left Ayr, making for Annandale; on the 5th of the month he occupied Bruce's castle at Lochmaben, and three days later rested at Carlisle.[4]

Edward at Ayr.

Return to Carlisle.

Towards the subjugation of Scotland the campaign had effected nothing, beyond refreshing the garrisons of the strongholds held by the English, and the reduction of a few minor castles. Beyond that the great victory of Falkirk proved absolutely barren of results. The only recorded homage is that of William Lamberton, the newly-appointed Bishop of St. Andrews, a man, by the way, who owed his appointment to Wallace.[5] Everywhere at the coming of the English the people had fled to the birchwoods and moors.

A Barren Victory.

[1] Trevet, 373; *Itinerary*.
[2] 19 August; *Fœdera*, I 898, cnf. 890.
[3] Trevet, sup.; Fordun, 333.
[4] Hemingb. II 181; Trevet, 374; *Itinerary*.
[5] Palgrave, *Scottish Documents*, I 201; Fordun, 329, note; *Fœdera*, I 893.

At Carlisle Edward had fresh difficulties to contend with in the shape of renewed disaffection on the part of Bigod and Bohun, who complained of the length of time that they had been kept in the field. Jealousies also had been excited by grants of land in Scotland, made without any consultation with the Magnates; grants not in possession, but in mere expectancy.[1] Special exception had been taken to the cession of the Isle of Arran to an adventurer from Ulster of the name of Bisset.[2] The King was obliged to allow the Earls to go home;[3] but the work in Scotland was felt to be so incomplete that a Grand Council was held, and writs issued for a general muster of the military tenants at Carlisle on the 6th June in the ensuing year.[4]

Bigod and Bohun again.

The necessity of keeping an eye on the Scots detained the King in the Northern counties till Christmas, which feast he kept at Cottenham, near Beverley. After Christmas he moved Southwards to attend to the general business of the realm.[5]

Christmas in Yorkshire.

[1] "Dedit in spe multas terras magnatum regni Scotiæ"; Hemingb. II 182. For one of these grants, see Palgrave, *Docts.* I 202.

[2] Hemingb. 181. Bisset's "lands" were near Claneboy and the Dufferin in Ulster. Note Hamilton.

[3] Bohun died on the 31st December (1298), and was succeeded by his son, Humphrey of Bohun III; *Complete Peerage.*

[4] Stanwick, 29 September; *Parly. Writs*, I 317; Hemingb. sup.; Trevet, 374.

[5] Id.; *Itinerary.*

CHAPTER XXX

EDWARD I (*continued*)

A.D. 1299–1301.

Truce with France—Re-marriage of the King—Forest Questions in Parliament —Demand for Perambulations—Treaty of Chartres—Fourth Campaign in Scotland—Enactment of *Articuli Super Cartas*—Fifth Campaign in Scotland —Papal Intervention resisted—Perambulations and Disafforestments conceded—Sixth Campaign in Scotland—Truce.

FOREST grievances had figured prominently among the complaints recently put forward by the Barons. Limitations both of the areas of the Forest districts, and of the jurisdiction of the Forest officials, were demanded. The point specially pressed, the disafforestment of the Forests created by Richard and John, had been conceded by the Forest Charter, and by every subsequent confirmation of the Charters. Yet the Royal promises on the subject still remained a dead letter. By way of doing something to meet the wishes of his subjects Edward had appointed a Royal Commission to inquire into all prises, trespasses and oppressions committed by Forest officials throughout the kingdom.[1]

Forest Grievances.

On the 8th March, 1299, Edward met a Grand Council or Parliament of Magnates at Westminster to consider the Papal award in the matter of the singular arbitration submitted to him by France and England as plain "Benedetto Gaetani."[2] The award had been published on the 30th June, 1298. Working out his original suggestion of peace between the two countries on the footing of a matrimonial alliance between the two Courts, Boniface required Edward to marry Marguerite, the sister of the French King; the younger Edward to marry Isabel, the daughter of France; the treaties between England and Flanders being formally quashed. For all injuries inflicted on either side before the declaration of war compensation to be made. The more delicate question of territorial adjustments is vaguely reserved for future arbitration, or the accord of the parties. Lastly the arbitrator, merging somewhat Benedict in Boniface, reserves to

Papal Award.

Double Matrimonial Alliance.

[1] 18 November, 1298; *Parly. Writs*, I 397.

[2] *Parly. Writs*, I 78.

himself the power of altering, adding to, or interpreting his award as and when may seem fitting to himself.[1]

To the welcome award enjoining peace a joyful assent was given by all classes of the community.[2] But the Magnates assembled in Council ventured to remind the King that he had come home victorious, but that the promises of the previous year still remained unfulfilled. A perambulation of the Forests was specially demanded. Edward offered an obstinate resistance, shifting his ground from day to day,[3] and finally attempting to elude his subjects by leaving Town under pretence that his health required change of air.[4] But the nation was in earnest, and not to be put off with transparent excuses. On the 3rd April Edward at last reconfirmed the Charters, and sealed an order for the perambulation. But the confirmation of the Forest Charter was clogged with a saving of all Crown rights; while the order for the perambulation was fettered by a double reservation: first, no action to be taken on the report of the perambulators till it had been laid before the King; and, secondly, the perambulation itself not to begin till after the settlement of certain undisclosed negotiations with the Court of Rome.[5] To allay the discontent in London these documents were publicly recited in St. Paul's Churchyard. 'When the people saw the charters with the Seals they blessed God and the King; but when they heard the ending their blessings were turned to curses.'[6]

Demand for Perambulation of Forests

Conceded, with Saving Clauses.

Finding that the crisis was serious, the King summoned another Council of Magnates for the 3rd of May, and, it was said, granted a second confirmation without the salvo; and also appointed a commission of three bishops, three earls and three barons to carry out the necessary perambulations.[7] Popular excitement was allayed; but the people's misgivings as to the intentions of the King were by no means dispelled.

Appointment of Perambulators.

The Papal award had not removed all obstacles to a peace. Philip

[1] 30 June, 1298; *Fœdera*, I 893–896; Hemingb. II 161.

[2] "Consensum præbuit plebs omnis cum clero"; Westm. III 105; Rishang. 389, 390.

[3] "Variantia verba componebat"; Hemingb. II 183.

[4] Id.; Westm. sup.

[5] Statute *De Finibus Levatis*, Statutes, I 126, etc. The King declared that his promise to confirm the Charters given at Westminster in 1297 was subject to those reservations; id. He makes no allusion to the actual confirmation at Ghent, or the solemn oath at York, that made no such reservations.

[6] Hemingb. sup.; Trevet, 375; Rishang. 190.

[7] Hem. II 183; Trevet, 376; Rishang. 190. The order for the perambulation was published in English at Worcester on the 4th July; Worcest. 541. It is a curious fact that no entry of the unrestricted confirmation was placed on record; nor does the Westm. chronicler notice it.

was loth even to make a show of parting with his acquisitions in Gascony; and he could point to sundry infractions of the truce committed by Edward's unruly subjects to justify his refusal.[1] On the other hand, Edward was equally unwilling to extend the benefits of the treaty to 'King John of Scotland' and his subjects, a point for which Philip had steadily contended.[2] As the price of the treaty Edward had dropped his alliance with Flanders. He therefore thought himself entitled to demand from Philip the corresponding abandonment of his secret dealings with Scotland. Addressing the French envoys in London on the 3rd April, 1298, he tells them that he really cannot give an answer at once to so new and startling a demand as that for the inclusion of the Scots in the treaty.[3] Philip might argue that as Guy of Dampierre and the Count de Bar, vassals of France, but allies of England, had been taken into the treaty, surely the same indulgence might be extended to the Scots? Fresh from the field of Falkirk Edward refused to recognize the parallel.[4] Wisely enough he put his trust in the Papal intervention. Reginald, Bishop of Vicenza, had been directed by Boniface to hold a conference at Montreuil, in the spring of 1299. In anticipation of this meeting Edward instructed his Gascon officers to deliver the Province into the hands of the Bishop on behalf of "Benoit Gaetan." The conference met on Friday, 19th June, but the task of the plenipotentiaries was light. They were simply invited to affix their seals to arrangements already fully agreed upon, and in part carried out. Philip would not insist upon a truce with the Scots, if John Balliol were given up to the Pope; Edward would marry Madame Marguerite forthwith; his son would undertake to marry 'Madame Isabelle,' as soon as she was of age; Gascony would be divided on the footing of the '*status quo*.'[5] The Bishop of Vicenza came over to England, and obtained a personal ratification of the treaty from Edward on the 14th of July.[6] Four days after that 'Sir John Balliol, sometime King of Scotland,' was delivered into his hands at Witsant, under the express condition that the Supreme Pontiff should not attempt to utter any decree or ordinance affecting

Difficulties in the Way of Peace.

The Scots.

Final Settlement.

Balliol released.

[1] See *Fœdera*, I 898.

[2] See *Fœdera*, I 861, 884, 891. The letter from Philip given at p. 861 as written in 1297 ought surely to be dated in 1298.

[3] "Quod hujusmodi requisitio sibi erat nova, extranea et admirabilis," etc. *Fœdera*, I 891.

[4] Pauli, II 144; *Fœdera*, I 898.

[5] *Fœdera*, I 904–906. On the 12th May Edward appointed the Count of Savoy his proxy to contract a marriage with Margaret. On the 15th his son appointed the Earl of Lincoln his proxy for the betrothal with Isabelle.

[6] *Fœdera*, I 908.

the Kingdom of Scotland or its inhabitants on behalf of John Balliol or his heirs.[1]

Status Quo in Gascony.

On the 3rd August the final ratifications were exchanged at Chartres; it being understood that the Pope sanctioned the existence of the *status quo* in Gascony.[2] On the 3rd September Marguerite of France landed at Dover, under the escort of the Dukes of Burgundy and Brittany, and next day was married to the King by Archbishop Winchelsey at Canterbury.[3]

Re-marriage of the King.

These affairs had necessarily involved successive adjournments of the expedition to Scotland, originally fixed for Whitsuntide.[4] On the 17th September the King thought that he could manage to be at York by the 12th November; and he issued writs summoning the military tenants to meet him then there. Levies of foot-soldiers from the Northern counties, to repress 'the increasing malice and rebellion of the Scots' were ordered also.[5] On the 16th November the King again postponed the muster, calling on the men to meet at Berwick on the 13th December.[6]

A winter campaign in Scotland was a new and most arduous undertaking. The King's nervous anxiety to be up and doing was doubtless due to his sense of the fact that he could rely upon no one but himself. Everybody was against him. Success alone could justify his undertaking. Philip and Boniface were perpetually at him on behalf of the Scots. In the letter of the 15th January, 1298, above noticed, Boniface refers to earlier protests on his part against the King's attacks on

[1] See the acknowledgment signed by the Bishop both in French and Latin. The document specially recites the 'spontaneous and absolute' surrender of the Crown of Scotland made by Balliol; *Fœdera*, I 909. For other documents relating to the deliverance of Balliol see id. 906; Stevenson, *Docts.* II 362, 378, 382–386. According to the Annales Angliæ et Scotiæ (Rishang. 391) a gold crown, a Great Seal of Scotland, and a quantity of plate and money were found in Balliol's luggage at Dover; a strange fact, if true, as Balliol had been in close custody in the Tower for three years. The writer adds that Edward presented the crown to St. Thomas of Canterbury. Balliol retired to the ancestral estate in Normandy, in the Department of the Somme.

[2] *Fœdera*, I 911; the Pope's sanction is dated Anagni, 29 July, 1299.

[3] Gervase, Cont. II 317, the record of an eyewitness q.v. for details of the Church services, etc.; also Angl. Sacr. I 51. The Worcester Annalist, 542; M. Westm. III 299; Hemingb. II 185; and Trevet, 376 give the 10th September as the day. The charter of the Queen's dower, dated 10th September, *Fœdera*, I 912, refers to the wedding as past. For the banquets and sports see Rishang. 394, also for a charming account of the Queen's looks, manners and popularity.

[4] *Parly. Writs*, I 321–323.

[5] *Parly. Writs*, I 323, 325. These men were to be in the King's pay, "ad regis vadia." A clerk is appointed as paymaster for each county. The King subsequently offered the men an extra bounty to overcome their aversion to a winter campaign; id. 326.

[6] Ibid.

Scotland.[1] On the 27th June, 1299, Boniface again attacked Edward in a very remarkable letter that disclosed an acquaintance with the history of the homage question that must have been supplied by Scottish agents at Rome.[2] Scotland, says the Pope authoritatively, is a fief of the Holy See; it neither is nor ever was a fief of England, 'as thou well knowest, my son.' The narrative is carried down to the treaty of Brigham; the arbitration entrusted to Edward; and the subsequent homages of the Scottish nobility. The last are dismissed as having been extorted by force. In conclusion Boniface urges[3] the King 'to set free his Scottish captives, and retire from Scotland.' If he thinks that he has any case against that country he may submit it to the Papal *Curia* within six months.[4] The letter was transmitted to Archbishop Winchelsey, with instructions to lay it before the King.[5] But it was not formally presented till the summer of 1300, as we shall see.

Scotland claimed as a Papal Fief.

Winter Campaign in Scotland.

True to time Edward came to Berwick in December. The force was "the largest raised by contract in this reign. . . . The Earl of Surrey had 500 horse in pay, with power to raise another 200."[6] But, with all his indomitable energy, success in the field, for the time, was not within the King's reach. In fact he could not get his men to act. Not a step had yet been taken towards carrying out the promised Forest reforms. Under the circumstances the Barons found the difficulties of a winter campaign in Scotland insuperable. The English garrison at Stirling was allowed to capitulate; and Edward, again bowing to necessity, issued writs for a Parliament to meet at Westminster, in March, 1300.[7] At the same time a fresh general muster was ordered for the 24th June following, to meet at Carlisle.[8]

Parliament.

The constitutional grievances again came to the front in the Parliament of 1300, a fully constituted assembly, like that of 1296, with representatives both of the lower clergy and commons. Winchelsey and the Earl Marshal took the lead in demanding substantial reforms. The King held out for several days,

[1] See *Fœdera*, I 883, and above, 457.

[2] William Lamberton, Bishop of St. Andrews, and John of Soules were acting as Scottish envoys abroad during the summer; Stevenson, *Docts.* II 372.

[3] "Rogamus et hortamur."

[4] *Fœdera*, I 907; Hemingb. II 189; Lanercost, 194.

[5] Stevenson, *Docts.* II 376.

[6] Morris, sup. 79. He gives 1297–1298 as the year of the winter campaign, but there were no operations in that winter.

[7] Hemingb. II 186; Rishang. 402, 407; Trevet, 376; R. Brunne, II 308; *Parly. Writs*, I 82–85.

[8] *Parly. Writs*, I 330–339. All holders of land or rents to the value of £40 a year, whether tenants in capite or not, are required to appear, but at the King's wages.

but his reluctance yielded to the determination of his subjects, and the promise of a modest Twentieth, made by the laity.[1] On the 28th March the Charters were again confirmed, and an order was promulgated requiring the sheriffs to have them read out to the people four times in each year.[2] The Articles of 1297 were not re-enacted; but, a fortnight later, a fresh series of Articles, *Articuli super cartas*, were passed, appointing commissioners to investigate all cases of infringement of the Charters. Regulations were also given for restricting the abuses of purveyance, and those of the jurisdictions of the Steward, the Marshal, and the Constable of Dover Castle. But these concessions were only granted saving "*le droit et la seignurie de la Couronne.*"[3] On the other hand a distinct success was scored by obtaining at last definite measures for the reform of the Forests, and the actual issue of perambulation commissions. A reform affecting all classes of the community was the recall of the "crockards" and "pollards," the debased currency issued by the King for the liquidation of the debts contracted by him in Flanders.[4] But again the King sought to indemnify himself by lowering the standard of the legitimate currency, as we shall see.

Articuli super Cartas.

At Midsummer the King met his levies at Carlisle, as appointed. The muster roll of the chivalry is extant, and on it we find 191 tenants proffering 281 Knights' fees and 20 Serjeanties; and mustering in all 445 horsemen, mostly light cavalry, or "*servientes cum equo discoperto.*" Two of these men were rated as equal to one full-mounted man-at-arms. These were the service contingents. More men may have been raised by contract. The contemporary siege of Caerlaverock estimated the number of men-at-arms as 3,000. We may notice that the personal attendance of the Earls of Surrey and Warwick counts for that of four full men-at-arms each; doubtless their pay would be fourfold also,[5] or eight shillings a day. Footmen also had been ordered from the Northern counties, besides the usual contingents from Wales and Ireland.[6] But of the numbers of these nothing can be said, except that it was easier to call for thousands than to muster them. It would seem that various lords

Campaign in Scotland.

[1] Rishang. (Ann. Angl. et Scot.) 404; Worcest. 544; R. Brunne, II 309; Hemingb. II 186; *Parly. Writs*, I 405.

[2] Statutes of Realm (Charters), I 41; *Fœdera*, I 419.

[3] Statutes, I 136–141. With respect to "prises," the complaint was that they of the King's household (*meignée*) took things for nothing, or below their value. 'Henceforth no man to take prises but the purveyors for the King's hostel, and they to take no more than is actually needed for the King, his hostel, and children.'

[4] Statutes, I 131–135; *Fœdera*, I 919, 920; *Parly. Writs*, I 87, 397–400; Stubbs, sup. 155, 156.

[5] See Palgrave, *Docts.* I 209–231.

[6] *Parly. Writs*, I 339, 342.

of franchises refused to allow their tenants to serve, even at the King's pay.[1] Still more difficult was it found to keep the men with the colours.

In the first week of July Edward crossed the Solway, and, turning westwards, to explore the wilds of Galloway, as yet unvisited by him, sat down before Caerlaverock Castle. At the end of a week the garrison capitulated, not ingloriously.[2] From Caerlaverock and Dumfries the King advanced to Urr, Bridge of Dee, and Kirkcudbright, meeting no enemy, but encountering every other kind of difficulty. The cavalry could not act, and the infantry would not act; provisions were scant, and the rain incessant; the cattle, the only product of the country, had vanished with their owners.

Siege of Caerlaverock.

Galloway explored.

> "The Scots in ilk schire
> Had ther bestis aweie thorgh mede and thorgh mire,
> That no strange man knewe, ne myght so go;
> Therto the rayne began, and flowand bank and bro,
> It ran doun on the mountains, and drenkled the playne." [3]

On the 27th July the King writes to the sheriffs from Kirkcudbright that the footmen, after drawing pay on account, have deserted to such an extent that he must have fresh thousands raised and sent out.[4]

During the late December campaign the Bishop of St. Andrews, Bruce, and the younger Comyn of Badenoch, styling themselves 'By the will of the nation, Wardens of Scotland in the name of King John,' had attempted to approach the King on the subject of a "sufferance" or truce.[5] The attempt was now repeated by Christian, Bishop of Whithorn, the Earl of Buchan, and the younger Badenoch. But Edward would not make the slightest concession, while the Scots demanded nothing less than the re-instation of King John.[6]

After spending nine days at Kirkcudbright, the King moved on to Twynholm, where he stayed six days more, waiting for provisions to come by sea to the Bay of Kirkcudbright. A foraging party sent, apparently, up the Valley of the Dee had the good fortune to capture Robert Keith, the "Mareschal" or Marshal of Scotland, who had ventured to cross the river to attack them. On the 8th August some manœuvring took place across the river,

Skirmishing.

[1] *Parly. Writs*, I 47, 344, note Palgrave. The writs expressly ordered men to be taken as well from the franchises as from without them.

[2] July 9–15; *Itinerary*; Rishang. 439; and the contemporary ballad in French, 'Siege of Caerlaverock,' xi. 66 (H. Nicolas, 1828). The ballad claims to be the oldest heraldic blazon extant; it gives the shields of eighty-six bannerets.

[3] R. Brunne, II 310; Worcester, 547.

[4] *Fœdera*, I 921; *Parly. Writs*, I 344; *Northern Registers*, 146.

[5] *Fœdera*, I 915.

[6] Ann. Ed. I, Rishang. 440.

within reach of the tide. The Scots must have been in considerable force, as we hear of three divisions on the river bank, opposite the English position, with Ingelram of Umphraville, the Earl of Buchan, and young Comyn in command. For some hours the archers on each side exchanged shots across a ford. The tide having fallen, the English foot, apparently without orders, crossed the stream, driving the Scots before them. Edward, not caring to engage a general action under the circumstances, sent the Earl Warenne and the young Earl of Hereford to recall them. But the archers, mistaking the movement, only pressed their attack with greater vigour, and the King's son and other detached corps of men-at-arms crossed over to support them. The King then had to mount his charger, and sound the trumpets for a general advance. But before he could cross the water the Scots had again scampered off to 'the mosses and the moors.' The want of Welshmen to follow up the pursuit was again severely felt.[1]

From the banks of the Dee Edward moved to the town of Wigton, his *ultima Thule* (16 August). Next day he turned homewards, travelling much as he had come, keeping near the coast without attempting to penetrate the interior. On the 30th of the month he returned for a while to English soil, in very bad temper. The campaign had again proved absolutely barren of results;[2] while the spirit and strength of the Scots condemned the King to the duty of keeping guard on the Border in person. Under these circumstances, yielding to the instances of Philip—as a friend, not as an ally of the Scots—Edward consented to sign a truce, to last till Whit-sunday (21 May), 1301.[3]

A Truce.

Meanwhile the Papal allocution on Scottish affairs had been formally delivered to the Archbishop (June), with orders to lay it before the King without delay. Winchelsey groaned at the thought of the fatigue, and the risk, and the cost of a journey from Canterbury to the Border, estimated at 'twenty moderate days' journey'; to say nothing of the nature of his errand, and the reception that it was likely to meet with. However, he set his household in order and went. Arrived at Carlisle he was told that the King was at Kirkcudbright, in the heart of a country wasted by war, and utterly unsafe. Not a guide could be hired

The Pope, Archbishop Winchelsey, and the King.

[1] "Petierunt moras et vados aquosos." See the rather confused account: Rishang. 441.

[2] Rishang. 441, 445; *Itinerary*; Worcester, 547.

[3] Dumfries, 30 October; *Fœdera*, I 924, 925. Edward then began to move Southwards, but he went no further than Northampton, where he kept his Christmas; *Itinerary*. Two hundred and forty-five outlaws, mostly murderers, received pardons for good service done in the campaign; Cal. Pat. R. IV 11, 20.

to lead the party; not a friar even would volunteer to carry the Bull, or even a verbal message, to the King. For nearly six weeks the Archbishop waited on the Borders, having to content himself with a sufficiency rather than an abundance of food. At last he got word that the King was at Sweetheart Abbey, otherwise New Abbey, near Caerlaverock, on his way home. Girding up his loins, Winchelsey managed, not without danger, to get himself and his retinue taken along the Solway sands, crossing four successive estuaries at low water; and so he came upon the King, "an unexpected and not very welcome guest," in the afternoon of Friday the 26th August.[1] The King was at dinner and could not be disturbed; later in the day he sent two Earls to inform the Primate that he should have audience on the morrow. Next day at noon Winchelsey presented his letter. All the magnates in the army were present, and also that 'most godly youth,'[2] young Edward of Carnarvon. The document was read out first in the original Latin, and then in French. The Archbishop, as in duty bound, followed up the recitation by an address, exhorting Edward 'for the love of Mount Sion and Jerusalem' to yield to the Papal exhortation. Edward cut him short: 'By God's Blood neither Mount Sion nor the walls of Jerusalem shall keep me from defending my rights.'[3] The Archbishop was dismissed for the moment, but later in the day he received his answer. The custom of England was that in matters affecting the state of the realm the counsel of all should be taken; the King would consult his barons and then give his answer.[4]

In pursuance of this undertaking writs were shortly issued for a Parliament to meet at Lincoln on the 20th January, 1301, the assembly being summoned to receive the reports of the Perambulation commissioners, and for the despatch of 'other important business.'[5] At the same time the monasteries were again invited to ransack their shelves for historic evidence on the homage question; while the Chancellors of the Universities of Oxford and Cambridge were directed to send up four or five of their more discreet and learned men to advise the King on the subject.[6] Again, on the self-same day, Edward, determined not to break with Boniface, accredits plenipotentiaries to the Papal court, 'for the honour of God and the furtherance of the Crusade,' with authority to comply with any requirement that might

[1] Hook, *Archbps.* III 422.

[2] "Devotissimo juveni."

[3] Rishang. 447. Compare Edward's own letter to Boniface; id. 453.

[4] See Winchelsey's graphic report to the Pope, dated Otford, 8 October; M. Westm. 435, 437–439 (Ed. 1601).

[5] 26 September; *Fœdera*, I 923. The writs direct the return of the representatives who had served in the preceding Parliament. This was done "no doubt that they might hear the report of the Commissions issued at their request"; Stubbs, *C. H.* II 156.

[6] *Fœdera*, I 923, 924; *Parly. Writs*, I 88–101.

be made by the Pope for the establishment of stable peace with France.[1] The envoys were also entrusted with a private letter to the Pope, in which the King rehearsed his dealings with the Scots 'as Lord Paramount (*principalem dominum*) by hereditary right and the decree of the nation'; contrasting his straightforward course of action with the systematic perjury and treason of the Scots; ending with a solemn declaration that 'by God's Blood' he would defend the rights of his crown.[2] Finally, as an immediate sop to the Pope, Robert Wishart, the unfortunate Bishop of Glasgow, was released from captivity on taking fresh oaths of allegiance.[3]

Parliament.

The Parliament that met at Lincoln on the 20th January, 1301, was one "of considerable historical importance." In spite of promises and confirmations, the King had not yielded, nor made up his mind to yield, on the question of Forest Reform. His subjects were determined that he should yield. Consequently the proceedings were marked by continued mistrust on either side.[4] The

Ministerial Responsibility.

question of Ministerial responsibility was also brought up, for the first time in the reign; and a special demand made for the removal of the Treasurer, Walter Langton, Bishop of Coventry. On this point the King showed himself very obdurate. 'They might as well take his Kingdom as interfere with his choice of his servants.'[5]

"Erles and barons at their first samning,[6]
For many maner resons pleyned of the Kyng,
That the puralee[7] did not, als he suld,
Ne the charter gaf fre, the poyntes[8] use ne wuld,
Ne suffre tham to hold, that the charter of spake,
Thorgh mayntenours bold, the poyntes alle thei brake.
Yet thei said him tille, his ministres wasted the lond,
Tak thing out of skille,[9] and pay not with hond.
And yet thei mad pleynt of his tresorere,
That fele thinges atteynt he mayntend thorgh powere,

[1] *Fœdera*, I 922.

[2] Rishang. 451.

[3] *Fœdera*, I 924. Wishart had been prisoner since the convention of Irvine in 1297. Boniface had specially complained of his detention, and also of that of the Bishop of Sodor.

[4] On this point see especially R. Langtoft, II 328 and R. Brunne, II 311. Both ascribe the failure of the Scottish expedition to the discontent created by the delay in the perambulations.

[5] Rishang. 460.

[6] Meeting.

[7] Perambulation.

[8] "The points," i.e. the additional articles to the charter. "Articuli super cartas."

[9] Without reason.

Fordos usages olde, and lawes of the 'chekere,
Of many has it bien tolde, to the we pleyn us here,
Him for to remue thorgh comon assent.
Assyne it for more prow [1] at this parlement,
That can that office guye, and do the right usage,
That no man thar eft crie, for wrong and outrage.
The kynge's ansuere was smert, and said, 'I se the wille,
Thorgh pride of hert, revile me with unskille,
And so lowe me to chace, myn officers to change,
And mak tham at your grace, that were me over strange,
It is non of you, that he ne wille at his myght
Haf sergeanz for his prow, withouten other sight.
Salle no man put thorgh skille his lord lowere than he,
Ne I ne salle no wille, to while I kyng salle be.'" [2]

With regard to the disafforestments, the King said that he would ratify them if the prelates and barons would take upon themselves to affirm, 'upon their homage and fealty,' that the perambulations had been fairly and advisedly carried out, as between Crown and people, and that he could sanction them without a breach of his coronation oath, or the disherison of the Crown.[3] With the same object of throwing the *onus* of refusal, if possible, upon others, the King appointed twenty-six Triers of Petitions to advise him. They urged compliance with the wishes of Parliament. These were embodied in a Bill of twelve 'points,' which were laid before the King in the name of the whole community. The Bill required the full confirmation of both Charters; the abolition of 'tortious purveyance'; [4] the definition by Parliament of the powers of the Commissioners appointed for the defence of the Charters; [5] the immediate prosecution of the perambulations in the districts where the perambulators had not appeared, and the execution of the disafforestments in the districts in which they had appeared. 'If all these things were done before Michaelmas the people would grant a Fifteenth, instead of the Twentieth promised in the previous year; but the goods of the clergy must not be laid under contribution, without the leave of the Pope. To the last stipulation—the price paid by the Barons for the support of the clergy—the King refused his assent; to all the

Tortious Purveyance Abolished.

Disafforestments.

[1] Profit.

[2] R. Brunne, II 312, translated from P. Langtoft, IV 328.

[3] "Saunz blemir son serment, e saunz la coroune desheriter"; *Parly. Writs*, I 104; Stubbs, *C. H.* II 156. Edward had already appealed to his coronation oath in connexion with his proceedings in Scotland. Regard for the coronation oath has not unfrequently supplied Kings with a plea for evading unpalatable demands.

[4] "Ge les prises torcenusement fetez saunz gre ou paie fere desormes cessent."

[5] "Que soit mis en certain le poer des justices assignez en les conteez pur les chartres garder."

other demands he yielded with certain reservations.[1] On the 14th February the Charters were again confirmed.[2]

The constitutional question of the moment had been settled. The nation's answer to the Pope's amazing claim of interference in the Scottish question had yet to be given. This duty the Barons undertook in the heartiest manner. On the 12th February a memorable protest was drawn up, bearing the seals of seven earls and ninety-seven greater barons. The document shows that the English were fully prepared to take up the line of opposition to Papal interference in secular matters that had been so vigorously inaugurated by Philip the Fair. After expressing their astonishment at the contents of the Bull that had been laid before them, the Barons inform the Holy Father that with them it was matter of notoriety that the Kings of England had enjoyed both the superior and the direct overlordship of the Kingdom of Scotland from all time, and 'as well in the times of the Britons as of the English.' No temporal rights over Scotland had ever at any time appertained to the Church of Rome; the Kings of England never had answered, nor ought they to have answered before any tribunal, ecclesiastical or civil, for their rights over Scotland, or for any other of their temporal rights. If their Lord the King should at any time contemplate submitting his rights over Scotland, or any other of his temporal rights, to the decision of His Holiness, they, the Barons, would feel bound to interfere, to the best of their power, to prevent an act so manifestly tending to the disherison of the Crown of England.[3]

The Barons and the Pope.

But the protest was too outspoken. With the arbitration with France still pending, Edward could not afford to quarrel with Boniface. The Barons' letter was never sent.[4] On the other hand Boniface, equally in need of Edward's support, sent him a quittance, releasing him from all repayment of Crusade Tenths, and absolving him from any sentences that he might have incurred through laying illegal imposts on the clergy.[5] In November a further Papal Tenth was granted to him.[6]

To finish with the Parliament. On the 7th February the King's

[1] *Parly. Writs*, I 104; Westm. III 203, 204; Rishang. 461, 462. "Cumque orirentur verba, et a multis fierent comminationes occultæ, timuit rex; et iratos animo lenibus blandisque sermonibus delinivit, promisitque, et plus solito tenuit, equitaturam forestæ eodem anno fieri debere, et ita factum est"; Hemingb. II 188.

[2] *Fœdera*, I 927.

[3] In Latin; *Fœdera*, I 926; Hemingb. II 209; Rishang. 208. In French, Palgrave, *Documents*, I 231.

[4] Palgrave, sup. cxxxi.

[5] 12 March, 1301; *Northern Registers*, 147; *Fœdera*, I 931. Yet the Papal rent was eleven years in arrear; ib.

[6] So Annal. London, 103.

A Prince of Wales.

son Edward, who had shown considerable spirit in the late campaign, was created Prince of Wales and Earl of Chester ; [1] while on the 14th of the month, two days after the date of the Barons' protest, the two Charters were once more solemnly confirmed.[2]

We may point out that as the popular representatives had received their wages, and been dismissed on the 30th January,[3] the Barons had evidently continued to sit without them.

Although the Lincoln session, in outward seeming, had ended amicably, it is clear that the patience of Parliament had been tried to the utmost by the King's tergiversations ; that he again had not forgiven the men who had got the better of him ; and that the passions excited by the struggle were not to be lulled in a day, nor in fact with the reign. Winchelsey and Langton, the Treasurer, were bitter enemies. The demand for the dismissal of the latter was but an episode in an attack being made on his private character, apparently at Winchelsey's instigation, but in the name of one John Lovetot, a knight. " There is no reason to believe that Langton fell below the ordinary moral level of episcopal politicians " ; but he had been summoned to Rome on charges of concubinage, simony, and intercourse with the Devil ; and Edward was obliged to allow him to go. Eventually, however, in June, 1303, Langton, at great cost, obtained his acquittal.[4] The King, on the other hand, soon had an opportunity of showing spite to Winchelsey, whose conduct at Lincoln he considered simply ' outrageous.' [5] The Primate was engaged in litigation with Theobald of Bar, half-brother to Henry of Bar, who had married the King's daughter Eleanor, the matter in dispute being the presentation to the living of Pagham in Sussex, a Canterbury benefice. The King had presented Theobald at the time when the Primacy was vacant through the death of Peckham ; but Winchelsey had ousted him, instituting a man of his own. Theobald took proceedings at Rome, and actually obtained a sentence of excommunication against Winchelsey, and Edward had the satisfaction of allowing the decree to be formally published in London, on the 15th October (1301). For nearly six months the Archbishop remained outside the pale of the Church.[6]

A minor offender was dealt with more summarily. Henry of Keighley, late member for Lancashire, the man who had brought up

[1] Worcester, 548 ; Rishang. 464 ; *Complete Peerage.*

[2] *Fœdera*, I 927.

[3] *Parly. Writs*, I 101.

[4] See the Bulls ; Lanercost, 200 ; *Fœdera*, I 939, 956 ; Foss, *Judges*, III 114 ; Annal. London, cvi.

[5] See the King's letter below from Madox.

[6] Annal. Lond. xxxiv–xxxvi and 102. Winchelsey obtained absolution by the 6th April, 1302.

the objectionable Bill of 'points,' was arrested, and for a time imprisoned in the Tower.[1]

The Homage Question again.

Edward had withheld the Barons' protest, as likely to give offence. But he was resolved that the Pope should be fully instructed on the facts of the homage question. Later in the year he sent a statement of the historic grounds on which he based his claims over Scotland to Boniface, 'not judicially, but for the enlightenment of the Papal conscience.'[2] The paper follows in the main the track of the history in the Great Roll of Scotland. But the Pope having based his claim to the overlordship of Scotland on the fact that the country had been converted to Christianity by the relics of St. Andrew, Edward had to "go one better"; and so his narrative is carried back to the landing of 'Brutus the Trojan,' who gave his name to Britain, 'in the days of the prophets Eli and Samuel'; this part of the story being taken from the authentic pages of Geoffrey of Monmouth. The quashing of the treaty of Falaise-Valognes by Richard is again wholly ignored; so are the restrictive provisions of the treaty of Brigham, which is thus brought round to figure as a pure act of unqualified submission. The resignation of Balliol is again described as 'spontaneous, pure and absolute.'[3]

Sixth Campaign against Scotland.

The truce granted to the Scots expiring at Whitsunday (21 May) hostilities might be resumed at any time after that date. In the first week of July the forces of England were once more mustered at Berwick for the invasion of Scotland, the Welsh contingents being placed under the leadership of their newly created Prince.[4] No facts are forthcoming with regard to the campaign; the Scots again avoiding action. The King's itinerary is all that we can give. Advancing from Berwick to Roxburgh, he then marched up the valley of the Tweed to Selkirk and Peebles; then crossing over into Clydesdale, he descended the river, past Lanark to Glasgow, a new venue. A full month, from the 21st August to the 22nd September, was spent between Glasgow and Bothwell; October was divided between Stirling, Dunipace, and Linlithgow, and at Linlithgow, Edward remained from the 17th November to the 31st January, 1302, superintending the building of a 'Peel' or fortification at Linlithgow, with a thatched chamber (*camera*) for

[1] See the King's letter to the Treasurer, ordering Keighley to be treated gently, Edward tells us that he regarded Winchelsey as the leader of the opposition, and the 'points' of the Bill as 'outrageous.' "Nous envoions a vous . . . Henri de Kighele qui . . . est celi qui nous porta la bille de par l'ercevesque de Cantebiris, et de par les autres qui nous presserent outraiousement au parlement de Nichole"; Stubbs, *C. H.* II 158; from Madox Hist. Exch. 615.

[2] "Non in forma judicii . . . sed pro serenanda paternitatis vestræ conscientia."

[3] 15 May, 1301; *Fœdera*, I 932.

[4] *Parly. Writs*, I 348–359.

his own use.[1] An early winter had set in with extreme severity, involving great loss of horses, through cold and want of fodder.[2]

The truce with France, originally taken to the Epiphany 1298, had been eventually prolonged by the Pope to the Epiphany 1302.[3] Edward was not at all prepared for a resumption of hostilities with France, and he had been negotiating for a further extension of the "sufferance." To secure that object he had authorized his envoys, if necessary, to include the Scots in the arrangement,[4] and on that footing the truce was extended to the Feast of St. Andrew (30 November), 1302. The treaty, sealed by Philip at Asnières on Christmas Day, 1301, was ratified by Edward at Linlithgow on the 26th January, 1302, with an explanatory clause to the effect that he did not recognize the Scots as allies of the King of France; and that 'John, King of Scotland,' was to him plain 'John Balliol.'[5]

Truce with France.

Scotland included.

We must not part with the 13th century, of happy memory, without a notice of the European Jubilee with which the opening of the ensuing era was inaugurated. "The year 1300 seemed to open with a revival of faith, centred in Rome and its aspiring Pontiff. Never had crowds so devout flocked to the Eternal City . . . never were such countless gifts laid on the altars, never the blessings of the Church received in return with so much joy, as in this year of Jubilee."[6]

[1] *Itinerary*. For the fortifications, apparently, mostly palisades and earthworks, see Stevenson, *Docts*. II 441. "Municipium scilicet Pel de Lithcu"; Fordun, 332.

[2] Trevet, 395; Rishang. For measures for obtaining the submission of the Western Islands, and dealings with Angus of Islay ("Yle"), and Alexander of Argyll and his sons John and Duncan, see Stevenson, *Docts*. II 429, 435–437.

[3] *Fœdera*, I 878, 910, 924.

[4] *Fœdera*, I 931, 936.

[5] Id. 936, 937. All conquests made by Edward in Scotland were to be surrendered to the King of France during the truce, a most singular provision, doubtless intended to balance the clause in the Treaty of Chartres by which Philip's conquests in Gascony were placed in the hands of the Pope.

[6] Kitchin, *France*, 366. For the Indulgences proclaimed in honour of the Jubilee see *Northern Registers*, 141.

CHAPTER XXXI

EDWARD I (*continued*)

A.D. 1302–1305.

Boniface VIII and Philip the Fair.—New Tariff of Customs Duties—Battle of Roslyn—The Bull *Unam Sanctam* and end of the struggle between the Pope and the King of France—Peace between England and France with restitution of Aquitaine—Seventh Campaign in Scotland—Submission of the Scots—Parliament—Commissions of Trailbaston—Execution of Wallace—Settlement of Scotland.

THE intervention of Boniface on behalf of the Scots had doubtless been mainly prompted by a wish to conciliate Philip the Fair on any point on which friendly action was possible. The seeming reconciliation of 1297 had been followed by an act flattering to the pride of the French, namely, the canonization of the saintly King Louis IX.[1] Down to the year 1300 Boniface seemed to be supporting French interests in Italy, Hungary, and elsewhere. But all the time Philip was pressing him with the right hand or the left. The King was under no illusions as to the probable future of their relations. On the other hand Boniface seems to have been intoxicated by the fumes of the Jubilee incense, and the adulations of pious sycophants. His tone became more domineering and imperious than ever. The story ran that during the Jubilee he had shown himself in public wearing the Imperial insignia—'I am Cæsar.' Fresh invasions of ecclesiastical and Papal rights on the part of Philip elicited a sharp rebuke from the Pope (18 August, 1300), who further proceeded to accredit Bernard Laisset, Bishop of Pamiers, as envoy to discuss these matters in Paris (1301).[2] Bernard was a native of Languedoc, who hated 'the French,' and was on bad terms with his neighbours. By some of these he was accused of intriguing for the separation of Toulouse, and also of speaking disrespectfully of the King of France. Philip took the

Boniface VIII and Philip the Fair.

The Bishop of Pamiers

[1] 25 August, 1297; the anniversary of Louis' death; *Roman Catholic Calendar*. For the circumstances under which the canonization was obtained see Lavisse, *France*, III 139.

[2] Lavisse, 139–142; Martin, *France*, IV 421–424.

matter up; had Bernard shadowed by spies, and on the strength of their precious revelations arrested him, tried him, and found him guilty of treason (Senlis, 24 October). A carefully drawn indictment, preferring monstrous charges, was then sent to Rome, with a pious request for the degradation of the Bishop, as a preliminary to his execution, all, 'as a sacrifice well pleasing to God.' A comparison of this indictment with the actual complaints against the Bishop of which Philip's lawyers had been able to collect evidence, convicts the King in the clearest possible manner of the use of the most unscrupulous calumny.[1]

to be executed.

These proceedings were accepted by Boniface as equivalent to a declaration of war, if in fact they had not been so intended. On the 5th December, 1301, he peremptorily ordered Philip to release the Bishop, and at the same time issued a series of hostile manifestoes. By the first Bull, *Salvator Mundi*, he recalls the modifications of *Clericis laicos* with which he had indulged Philip, forbidding anew all levying of taxes on ecclesiastical property, without Papal consent. By the second Bull, *Ausculta fili*, he bids Philip remember that God has exalted the Pope above all Kings or Kingdoms, with power 'to build, plant, uproot, or destroy'; he rehearses the long list of the King's offendings, and ends by announcing a Council of the Gallican Church to be held at Rome on the 1st November, 1302, to concert measures 'for bringing the King back to the right way.' A third Bull, *Ante Promotionem*, addressed to the Gallican clergy, informs them of the Council summoned 'for the reformation of the Kingdom and the correction of the King.'[2]

Declaration of War.

Boniface proposed to array the French clergy against Philip. The King, again taking a leaf from the book of his Royal brother of England, resolved to array the nation against Boniface; and, for the first time in French history, convened a truly national assembly, summoning the States General to meet at Nôtre Dame, in Paris, on the 10th April, 1302, with representatives of the *communes*, towns and cities. By this step the *Bourgeoisie*, received official recognition as the *Tiers-État*.[3]

Estates General.

The King's move proved eminently successful. The Barons declared in language even more emphatic than that of the English, against all Papal intervention in French affairs; the clergy, under pressure, intimated a guarded concurrence, requesting the Pope to remove all causes of difference between France and the Holy See. Lastly we may point out that the protests were not withheld, as they

[1] Lavisse, 142–146. As the writer puts it, Philip is here caught "en flagrant delit." The Bishop was eventually pardoned and reinstated by the King, the best proof of his innocence.

[2] Lavisse, 147, 148.

[3] Martin, 428.

had been in England, but formally presented to Boniface, at Midsummer (1302).[1]

The breach between Boniface and Philip was not without influence on English affairs. Our writers notice rumours of an alliance against France, defensive and offensive, proposed by Boniface, but declined by Edward.[2] Certain it is, however, that in the summer of 1302 the Papal attitude towards Scotland underwent a sudden and startling revulsion. On the 13th of August Boniface, who, a few months before, had demanded the liberation of the Bishop of Glasgow, now writes stigmatizing him as 'a stumbling-stone and rock of offence';[3] and taxing him with having been the main cause of the discord that had arisen between the Scots and 'our dear son in Christ King Edward.' By another Bull, of the same date, the Scottish bishops in general are ordered on their allegiance to lead their erring flocks into a better path.[4] When the 30th November came the truce with France was again prolonged; but no mention was made of the Scots.[5]

Boniface and Edward.

The Scots thrown overboard.

Philip had not abandoned his allies without a struggle.[6] But he was not in a position to dictate conditions. His tyranny was involving him in difficulties in various quarters, apart from the struggle with the Pope. Flanders, annexed in 1300 by acts of trickery and bad faith, similar to those that had placed Gascony in his hands, had risen; had inflicted on his garrison at Bruges a repetition of the "Sicilian Vespers" (22 March, 1302); and finally overwhelmed his avenging army on the day of Courtrai, where the flower of French chivalry—thanks no doubt, to their reckless precipitancy, and contempt for their enemy—succumbed in masses to the spears of the low-born weavers and fullers of Bruges—a red-letter day in the annals of Continental *Bourgeoisie*,[7] and an era in the history of modern warfare.

Philip and the Flemings.

Battle of Courtrai.

With the expiry of the truce with Scotland means for the renewal of the struggle had to be provided. The yield of the Fifteenth granted at Lincoln had been pretty well exhausted by the campaign of 1301.[8] Unwilling to face another general Parliament,[9] Edward bethought

[1] Martin, 430–432; Lavisse, 149–151.
[2] Trevet, 396; Rishang. 211.
[3] "Percepimus quod tu sicut lapis offensionis et petra scandali."
[4] *Fœdera*, I 942; cnf. Hemingb. and Trevet, sup.
[5] *Fœdera*, I 946.
[6] Westm. III 309; cnf. Stevenson, *Docts.* II 449.
[7] 11 July; Martin, sup. 416, 418, 434–446.
[8] See *Parly. Writs*, I 402.
[9] The exaction of a Fifteenth from clergy and laity in a Parliament held at Westminster in July, alleged by Hemingb. II 223, seems a mistake. Grand Councils were held in July and October; but the chief business was to receive

him of the Aid granted in 1290 for the marriage of his eldest daughter, Eleanor, wedded to the Count of Bar, which had never been exacted. Oddly enough the Count had already passed away.[1] On the 7th December writs were issued for raising the trifling due.[2] A more substantial supply was obtained by introducing a new tariff of Customs duties, applicable to foreign merchants and foreign merchants only. The consent of Parliament was obtained in a session held at Odiham in January, 1303, in which the Commons were duly represented ;[3] while the foreign merchants themselves were induced to agree to the increased scale of duties in return for a grant of general rights of trading wholesale, in cities, boroughs, and market towns throughout the Kingdom, together with exemption from local dues—"Murage," "Pontage," "Pavage," and the like. The new duties would further be accepted by the Crown as a composition for certain existing Customs, and old Royal rights of prisage, the latter a mode of taxation probably open to great abuses. Under this *Carta Mercatoria*, or Merchants' Charter, the following dues were to be levied, on exports, be it noted, as well as on imports.

New Customs' Duties.

On the sack of wool and 300 wool fells, 3*s.* 4*d.* ; making, with the old 6*s.* 8*d.*, 10*s.* in all.
On the last of leather, 6*s.* 8*d.*, in addition to the old 13*s.* 4*d.* ; making 20*s.* in all.
Wax, 2*s.* per quintal.
Cloth of grain (pure scarlet), 2*s.* per piece (pannus).
Cloth of half grain, 1*s.* 6*d.* per piece.
Cloth without grain, 1*s.* per piece.
Wine, 2*s.* per tun.
All other articles of avoirdupois, 3*d.* on the £1 value.[4]

These last duties were the origin of the historic Tunnage and Poundage. In addition to them the old Prisage of Wines was maintained as a further charge, accounted for separately. The new duties on wool and leather were distinguished as the *Nova* or *Parva Custuma*, the duties of 1275 being known as the *Antiqua* or *Magna Custuma* : these two sets of duties, again, were accounted for by separate collectors. Later in the year Edward endeavoured to obtain the consent of the native merchants to the imposition of similar duties on them, but met with a pointblank refusal.[5]

messages from Philip ; Westm. III 309. On the Wardrobe Accounts for the year (Bundle 365, No. 6) we have £1,179 17*s.* 10*d.* from Fifteenths, obviously an arrear.

[1] *Fœdera*, I 944.

[2] *Parly. Writs*, I 132, 366. On the Wardrobe Accounts, above, the Aid figures for £930 6*s.* 9*d.*

[3] Annal. London, 130 ; *Itinerary*.

[4] 1 February, 1303 ; H. Hall, *History of Customs*, I 202–208 ; from M. Hale, *Customs*.

[5] *Parly. Writs*, I 134, 135 ; *Select Charters*, 490.

In connexion with financial affairs we may notice that a Wardrobe Account covering the financial years 20th November, 1301–1303, shows aggregate receipts under all heads from Scotland amounting to £1,060 16s. The details seem to show that the English hold on the country was limited to the counties of Berwick, Roxburgh, 'Linlithgow' (West Lothian), and Stirling.[1]

English Hold on Scotland.

Unsatisfactory as the results of the last winter campaign had been, Edward was so anxious to give the Scots no breathing time that he could not wait for spring to resume operations. Early in 1303 an expeditionary force under John Segrave was sent across the Border.[2] On the evening of Saturday, 23rd February, they took up their quarters in the neighbourhood of Roslyn, in three separate detachments. To this division of forces they were probably reduced by inability to obtain accommodation all together, but, unfortunately, they neglected to keep up proper communications. The younger Comyn and Simon Fraser had a force at Biggar. Making a night march they fell on the main body of the English early on the Sunday morning. Segrave was surprised and taken prisoner, with his son and his brother.

The War.

Battle of Roslyn.

> "Sir Jon. . . .
> His son and his brother, of bedde als they woke,
> And sixteen knights other; the Scots all them toke."[3]

The English van under Robert Neville was quietly hearing Mass at a distance of some miles when the alarm reached them. Hastening to the rescue they found the Scots busy over the plunder. In the face of a fresh engagement the Scots' leaders gave the word to kill the prisoners; and one man at any rate, Ralph Manton, "Cofferer of the Wardrobe," who accompanied the force as paymaster, was sacrificed.[4] Neville, however, succeeded in re-capturing Segrave, after a severe struggle in which he managed to some extent to retrieve the honour of the day. Nevertheless the 'Battle of Roslyn' was a serious check to the English.[5]

But now, through the force of external circumstances, Edward's hands were to be most materially strengthened by an offer from Philip, an offer of nothing less than definitive peace, with the restoration of the lost Aquitanian dominion.

Peace offered by Philip.

The struggle between Boniface and the King was waxing fiercer and fiercer. Encouraged by Philip's reverses in

[1] Stevenson, *Docts.* II 428. [2] *Parly. Writs*, II 367–370.
[3] R. Brunne, II 319; P. Langtoft, II 344.
[4] P. Langtoft and R. Brunne, sup.
[5] Hemingb. II 222; Trevet, 400; R. Brunne, sup.; Scalacronica, 126; Fordun, 334. The last writer claims three successive engagements, and three victories for the Scots. This amplification probably grew out of the fact that the English were in three divisions.

Flanders, Boniface had held his Council at Rome, in November, and, with its assent, had published the famous Bull, *Unam Sanctam*, "the high-water mark of Papal pretensions." Not content with arrogating in the sharpest manner the full power of the Two Swords, the Spiritual and the Temporal, the Pope ends by declaring dogmatically that 'subjection to the See of Rome is necessary to human salvation.'[1] The Bull was followed by the presentation of a list of demands, absolute compliance with which was required (24 November, 1302); Philip having ventured to explain and defend his conduct on the points in question, offering friendly arbitration, a final Bull was drawn up ordering him to make immediate amends, under pain of excommunication, with deposition hinted to follow (13 April, 1303).[2] But Philip was already preparing for the audacious plan which had been suggested to him, namely, that of impeaching the Pope before a General Council. Boniface would be denounced as utterly unworthy of filling St. Peter's chair, if not illegally elected in the first instance.[3] Preposterous charges of blasphemy, immorality, simony, heresy, verbally identical with the calumnies that had been brought against the unfortunate Bishop of Pamiers, would be used to crush him.[4] With such a life and death struggle on hand a firm alliance with England would not be dear at any price; and, accordingly, the restoration of whatever Aquitanian territory had been surrendered by Edward was offered. Philip was further influenced by the fact that in December (1302) Bordeaux had risen, and expelled the French.[5] Edward needed no second bidding. On the footing of the restitution of the surrendered territory a treaty of offensive and defensive alliance was sealed in Paris on the 20th May.[6] On the same day the Prince of Wales was betrothed by proxy to "Madame Isabel."[7]

His Struggle with the Pope.

Aquitaine restored.

We may be allowed here to give the ending of the unique episode of the struggle between the Pope and the King of France. To make arrangements for the meeting of the Council that was to sit in judgment on Boniface, William of Nogaret, Philip's confidential adviser, was sent into Tuscany. There he put himself into communication with

[1] 18 November, 1302. "Subesse Romano pontifici omni humanæ creaturæ declaramus et pronunciamus omnino esse de necessitate salutis." Lavisse, III 154 q.v. for discussions of the Bull by theologians.

[2] Lavisse, 155, 156.

[3] The validity of the resignation of his predecessor Celestine was questioned.

[4] Lavisse, sup.; Rishang. 215, 216.

[5] Trevet, 397, 398.

[6] *Fœdera*, I 952–954. The treaty was ratified by Edward on the 10th July at Perth; *Fœdera*, 957. Liege homage for Aquitaine was performed at Amiens by the Prince of Wales; *Fœdera*, I 966.

[7] Id. 954.

"the ferocious Sciarra Colonna" and other enemies of the Gaetani family and the Papacy in general; and, with their help, early on the morning of the 7th September he seized Boniface at Anagni, the family seat. Two days later the populace rose and got him away to Rome. But the spirit of the haughty old man was crushed by the blow. He sank into a state of senile coma and passed away on the 11th October.[1]

Boniface seized.

The new Treaty of Paris again had made no mention of the Scots. On the 25th May the Scottish envoys in Paris, namely the Bishops of St. Andrews and Dunkeld, the Earl of Buchan, John of Soules, and James the Stewart write to John Comyn, 'Warden of Scotland,' and the rest of the community at home, to explain this disquieting fact. The King of France has not abandoned them. He is about to despatch a special embassy to England to arrange a truce for Scotland. Pending a settlement, he has desired the writers to abide at his court, else would they gladly return. If the King of England shows any disposition to treat, let no obstacles be raised. 'But if he shall harden his heart like Pharaoh, now if ever quit yourselves like men.'[2]

Scots left out in the Cold.

The letter is interesting as exhibiting an unshaken purpose in the teeth of most adverse circumstances.

From the national point of view the aspect of Scottish affairs was indeed gloomy. After seven years of warfare Edward was once more arraying an overwhelming force to make a final end of Scottish resistance.[3] To make more thorough work he divided his forces, the Prince of Wales and the Earl of Ulster[4] being sent to invade the Western districts, while Edward himself kept to the East coast. Devastation marked the track of either force.

Seventh Campaign in Scotland.

> "The King's oste in the Est mad lardere
> Of touns and hamelesse, of granges and garner;
> More and mede did rynce, wod and playn he brent.
> The same way the prince destroied ther he went."[5]

Few details are forthcoming—the King's itinerary and a few sieges are the only facts that we can give. On the 4th June Edward condescended for the first time to spend a night within the walls of Edinburgh; he was at Linlithgow on the 6th, and at Clackmannan on the 12th of the month. In the interval between these last two days he crossed

[1] Lavisse, III 162–164.
[2] *Fœdera*, I 955.
[3] The muster was ordered for the 26th May at Berwick; *Parly. Writs.*
[4] Richard de Burgh, son of Walter.
[5] R. Brunne, II 321. "Incendens et quasi devastans omnia"; W. Hemingb. II. 231.

the Forth by a bridge of boats, thus turning the flank of Stirling Bridge.

"Ther passage never ere was he rode over on his stede." [1]

At Clackmannan the King had to make arrangements for the defence of Cumberland, the Annandale Scots having made a counter-raid across the Border.[2] At Perth we find the King from the 18th June to the 20th July. Advancing by easy stages by Cupar Angus, and Arbroath, he signs at Brechin on the 5th August. Brechin Castle resisted him some ten days. The strength of the walls defied the battering of the King's engines, till the gallant commanders, Thomas Maule, was struck down by a stone, and then the garrison at once capitulated.[3]

Edward's Farthest.

From Brechin Edward marched by way of Kincardine, Aberdeen, and Banff to Elgin, and Kinloss Abbey on Loch Findhorn, the farthest point reached by him. Between Kinloss and the island fort of Lochindorb, higher up the river Findhorn, with occasional swoops on the neighbouring shires of Banff and Aberdeen, the King remained receiving general submissions from the 9th September to the 15th October, when a rapid march took him to Dundee; from whence, moving by Scone, Gask, Tullibardine, Dunblane and Cambuskenneth Abbey, he went to Dunfermline to settle down there for the winter.

"So fer Northward he ferde, the Scottis to chase,
Of Inglis no man herde, that ever Kyng had that grace,
So fer baner to bere, and suilk oste for to lede,
* * * *
The tounes, the countes, the foreyns alle aboute,
To the Kyng felle on knes, his powere did them loute; [4]
Unto his pes tham gald, feaute did him suere,
Treuly with him to hold, non armes ageyn him bere." [5]

Scots losing Heart.

By all accounts Edward showed himself indulgent to those who submitted. Money fines were the only penalties inflicted, and for the payment of these time was given.[6] At last even the chosen leaders began to lose heart. John Comyn, the abiding Warden, made up his mind to submit; Bruce, the Earl of Carrick, had already done so, and was in arms with the King; [7] Lamberton, the Bishop of St. Andrews, John of Soules and James the

[1] R. Brunne, sup.; Bain, *Calendar*, II 352. The *matériel* for this and other bridges was brought from Lynn.

[2] *Parly. Writs*, I 372, 373; Bain, sup.

[3] M. Westm. III 311; and p. 446 of ed. 1601; *Itinerary*.

[4] Bowed down to.

[5] R. Brunne, II 321. "Partes boreales ad pacem cepit, universas communitates ad pacem capiens"; Fordun, 335.

[6] Fordun, 336; Westm. III 313 · Hemingb. II 231; Trevet, 401.

[7] Stevenson, *Docts.* II 472, 478.

Stewart were all prepared to follow suit.[1] Negotiations were opened early in 1304, if not before. Comyn began by demanding for himself and his party life and limb and liberty, with an amnesty for the past, and restitution of all their possessions in England, Ireland, or Scotland. On behalf of the Scottish people he stipulated for the maintenance of their old laws, customs and franchises, subject to legal amendment by the counsel and assent of the good people of the land. The question of ransom was left to the King's grace.[2]

Negotiations.

These demands show that the Scots, though hard pressed, did not consider their case desperate. They were all at large and in arms; they had been able to import Irish auxiliaries in the autumn.[3] Edward had hardly an ally among them on whom he could depend.[4] In fact he was not really master of more ground than his troops could cover. To hold Scotland down by force was beyond his power. Under such circumstances severity would be out of place. Still Comyn demanded more than could possibly be granted, and Edward said so at once. Comyn and John Mowbray of Methven, as the men who done most to oppose and harass the King, ought not to receive all that they asked; but all who came in by the 2nd February would receive assurance of life and limb, and a guarantee against imprisonment or disherison, the question of 'ransom' and amends for trespasses being reserved. The Prince of Wales would be authorized to receive all and sundry on these terms, excepting only Simon Fraser, David Graham, and Thomas Du Bois. To encourage individual action it was intimated that those who came independently of Comyn would be 'better recommended' to the King. Next day or so the time was extended to the 16th February.[5] On the 5th February the Prince of Wales and the Earl of Ulster had a conference with Comyn at Strathord, near Perth, where young Edward was keeping his court. The meeting lasted 'from tierce to vespers'; that is to say from 9 a.m. to about 3 p.m. The Prince agreed to urge his father to grant life and limb, personal liberty, and freedom from disherison

Edward's Terms.

[1] See Bain, *Calendar*, II 381. Comyn the younger of Badenoch, elected Warden on Wallace's resignation in 1298, had been given a coadjutor in the person of John of Soules by Balliol's directions (Fordun, 331). On the 20th August, 1290, after a stormy meeting at Peebles, at which Lamberton, the Earls of Carrick, Buchan, and Menteith, and Stewart were present, a fresh arrangement was made, and Lamberton, Comyn, and Bruce appointed joint Wardens. Lamberton and Soules had been acting as envoys to France and in other ways; e.g., Stevenson, II 431 and above, 488.

[2] Palgrave, *Docts.* I 286.

[3] See a letter of Aylmer of Valence; Stevenson, *Docts.* II 452; 28 September.

[4] See his letter of complaint to the Earl of March, a man who had sided with him since 1296; Stevenson, II 467.

[5] Palgrave, *Docts.* I 278, 279.

to all who should come in by the 20th of the month, subject to 'ransom' and amends for trespasses. But Comyn would have to submit to exile from Scotland for a year; Stewart and John of Soules for two years, Fraser and Du Bois for three years.[1] The King ratified the terms at once, adding to the list of those who must submit to temporary banishment the names of Robert Wishart, Bishop of Glasgow; David Graham; and Alexander Lindsay. One man, and one man only, had never yet submitted to the King's authority, William Wallace. He must abandon his opposition and yield at the King's pleasure.[2] On this footing, on the 9th February, a treaty was signed at Strathord by Comyn and eleven others;[3] the clause relating to Wallace was verbally modified, so as to convey a promise of leniency, if he would throw himself on the King's mercy.[4] 'Ransom' and amends for trespasses were fixed for all at three years' value of their lands or rents. On the 16th of the month Comyn and his friends came to Dunfermline, and once more did homage.[5]

Treaty Signed.

Position of Wallace.

The disposition of the castles, and other important questions were reserved for a Parliament of English and Scottish magnates which was held at St. Andrews on the 9th March.[6] No records of the proceedings are extant, but apparently the King's title was once more recognized, and decrees of outlawry were uttered against all rebels; and notably against Wallace, Fraser, and the garrison of Stirling, which place, wonderful to say, having been recovered by the Scots in 1299, still held out.[7]

Joint Parliament.

Great preparations were made for the reduction of the stronghold. Thirteen engines were brought from various quarters, with great balls of lead and stone;[8] some of these projectiles being said to weigh as much as 100 lbs., 200 lbs., and even 300 lbs. apiece.[9] Further stores of lead were found in the roofing of cathedrals and churches, 'except between the altars' (*entre les autiers*); sacrilegious acts of necessity for which the King made

Siege of Stirling Castle.

[1] Id. 279, 282.

[2] "Endroit de William le Waleys le Roi entent qu'il soit receu a sa volunte et a son ordeinement"; id. 284.

[3] Of the eleven it is to be noticed that only four bore Scottish names; all the others had English names—Vaux, de Ros, Berkeley, Prendergast, etc.

[4] Rot. Parl. I 212. "Est accorde qui il se mette en la volunte et en la grace notre Seignur le Roy, silui semble que bon soit."

[5] Id.

[6] Stevenson, II 471; Trevet, 402 (Merton MS.)

[7] Trevet, sup.; Fordun, 336.

[8] Stevenson, *Docts.* II 465, 466. The great engines had names like ships, the Segrave, the Verney, the "Robynete."

[9] Hemingb. II 231.

amends at the first opportunity. Even the terrible Greek Fire was not forgotten.[1]

On the 22nd April the siege began in earnest,[2] and lasted three months. The English plied the garrison with the usual storm of missiles, but the besieged, favoured by their position on a commanding height, could retort with better effect. At the end of a month the King writes home for all the bows and arrows, crossbows and quarrels that could be bought or made. At the end of the second month a fresh levy of carpenters and crossbowmen is required.[3] The Constable, William Oliphant, doubtless hoped to wear out the King's patience, but perseverance was a "marked feature" of Edward's character. When the lighter engines failed, heavier ones were brought up. Spadeful by spadeful the fosse was filled in. All the time 'the King exposed himself as freely as any of his men.' One day a quarrel pierced his armour, but without wounding him. When the bolt was extracted the King spat on it,[4] and shaking it at his assailant said, 'I will hang you for that.' On another occasion his charger was knocked clean off his legs by a huge stone hurled from the walls. His men, hastening to the rescue, dragged the King downhill, declaring that he must take more care of himself. 'As the Lord liveth,' said he, 'I will not desert you, whether ye go to life or death.'[5]

The King Struck.

At last, provisions exhausted, walls breached, a storming assault imminent, Oliphant offered to capitulate. Edward, however, would pledge himself to no terms; the garrison must place themselves at his mercy "*de haut et de bas.*" The only indulgence vouchsafed was that they might make their submission to the King in person. Ungirt and in their shirts William Oliphant with twenty-four men of position, and two monks, knelt before Edward and humbly begged pardon for their offences. He ordered them into confinement but not in fetters.[6] One Englishman found in the castle, a deserter who had aided the Scots to recover the place, died for his treason.[7]

The Garrison surrender.

[1] Stevenson, sup. 481, 482, 488; Fordun, 336. Sulphur, saltpetre, and cotton were the ingredients "ad faciendum ignem Græcum"; cnf. Rot. Parl. II 161. No word of gunpowder yet.

[2] Trevet, sup.

[3] *Fœdera*, I 963; Stevenson, II 484.

[4] "In quod Rex inspuens," etc.; Trevet, 403. He had this from a monk who was at the siege; Rishang. 222; Westm. III 317. According to the last the smaller engines were more effectual than the big ones.

[5] "Vivit Dominus," etc., a favourite exclamation with the King; Westm. III 317, 318. Cnf. the old French, "Vive Dieu."

[6] 24 July; Palgrave, I 274. For the elaborate ceremonial at the surrender see the notarial protocol, *Fœdera*, I 965; Hemingb. II 232. Hay of Dapplin was second in command, Oliphant being lord of the neighbouring estate of Gask.

[7] M. Westm. III 320.

Edward stayed on another month in Scotland; on the 17th August he began to move southward; advancing by easy stages—probably from increasing infirmities—he marched by Traquair and Selkirk to Jedburgh, and so crossed the Border on the 25th of the month,[1] doubtless satisfied that, with only one man holding out against him, Scotland at last had been reduced. The courts of King's Bench and Exchequer, which had been established at York since June, 1297, were now sent back to their proper seats,[2] peace being assured. Still, Edward's last word to the Scots before leaving Scotland was, 'Bring me Wallace. If ye would seek favour or remission of ransom, bring me Wallace before Christmas.'[3] Meanwhile the handsome reward of £100 in land, and 100 marks (£66 13*s.* 4*d.*) in money was offered for his capture.[4] Edward's nervous anxiety on this point showed a misgiving that the spark, if not quenched, might yet kindle a conflagration.

Peace at Last.

In want of money, but unable to meet a Parliament, Edward had taken the law into his own hands, and, by writs dated the 6th February, 1304, had ordered the collection of a crushing tallage of a Sixth from the demesne lands, cities and boroughs of the Crown,[5] a clear infraction, if not of the letter, at any rate of the spirit of the concessions extorted from him in 1297, 1298, and 1299.[6]

A Heavy Tallage.

The matter, apparently, was taken up in a full general Parliament that was opened at Westminster on the 28th February, 1305,[7] when the protests of the Magnates were bought off by giving them leave to tallage their tenants in like manner, a transaction little to the credit of either party.[8]

Parliament.

The petitions presented in the Parliament were numerous beyond precedent;[9] and divers matters of importance were dealt with. First

[1] *Itinerary*; Hemingb. II 232.

[2] Hemingb. sup.; Trevet, 404. The Chamberlains of the Exchequer reached the Tower on the 16th December with 27 laden carts; Ann. London, 134.

[3] Palgrave, *Docts.* I 276.

[4] Id. 295.

[5] According to the Annal. London, 132, the Londoners only paid a Tenth on rents, and a Fifteenth on goods.

[6] Rot. Parl. I 266; from the Patent Roll 32 Ed. I; Hemingb. II 233. We have seen that the alleged Statute, "De Tallagio non concedendo," of 1297 was not authentic; the genuine "Articuli super Cartas" reserved 'the ancient aids and prises due and accustomed.' But it might be questioned whether such a tallage would be included. I cannot find any precedent for so heavy a tallage as a Sixth.

[7] *Parly. Writs*, I 136–138. The representatives of the clergy attended under the *præmunicules* clause; Rot. Parl. I 177.

[8] Rot. Parl. I 161. Bishop Stubbs, however, considers the compact with the Magnates "to have constituted the King's justification"; *Const. Hist.* II 164.

[9] Rot. Parl. I 159–171.

in urgency was the consideration of the general state of the peace, and the measures to be taken for restoring order. The ordinary course of legal administration, never too strong even under Edward I, had broken down under the prolonged absence or engrossment on military affairs of King, sheriffs, and magnates; the country was overrun with disbanded levies, men torn from their homes, and then let loose, demoralized by ravaging warfare, as war was waged in those days. Besides murders, robberies and the like, we hear of the country being terrorized, and the ordinary course of justice and commerce interfered with by organized bands of ruffians, 'bravos,' popularly known as "Trailbastons" or 'club-men,'[1] whose services were at the disposal of the best bidders, for any outrage, great or small.[2] In the previous month of November the King had appointed special commissions to inquire into and punish such offences. But the evil had risen to such a pitch, and, we may safely add, among the persons implicated were men of such position, that the weight of Parliamentary authority was thought desirable. With the assent of the lieges an Ordinance was passed, on which fresh commissions were based, directing inquiries into all crimes that had remained unpunished since the 24th June, 1297.[3]

"Trailbastons" outrages.

With respect to the petitions in general, we notice that in this Parliament we seem to have recorded for the first time the appointment of special Receivers of Petitions, to receive petitions from the various parts of the King's dominions. This will be found a regular step at the opening of future sessions. As usual a large proportion of the petitions are presented by individuals, and concern personal wants or grievances, such as requests for compensation for wool, leather, corn, and victuals seized for the King's use; for horses lost in the war; for liquidation of arrears of pay; for replacement of church plate impounded during the 'Scrutiny.' These applicants must content themselves with the personal word of the King that he will pay when he can.[4] Two petitions seemed calculated to play into Edward's hands. One by the men of Cumberland, and others holding lands that had been disafforested by the recent perambulations, complaining that they were no longer allowed

Acceptable Petitions.

[1] "Traylebastoun quod sonat trahebaculum"; Trevet, 404. The writer applies the term to the judges appointed to try such offences, as, no doubt, it came to be applied. But Langtoft clearly gives it as the name of the offenders "Contekours ke . . . Traylbastouns sunt nomez"; II 360. So, too, the commission docketted "De transg. nominatis Trailbaston audiendis"; *Parly. Writs*, I 408.

[2] "Thei profere a man to bete for tuo schillinges or thre"; R. Brunne, translating Langtoft, II 358–360; q.v., and especially the original articles of complaint in French; Hemingb. II 237.

[3] Hemingb. II 235; Rot. Parl. I 178; *Parly. Writs*, I 408.

[4] Rot. Parl. I 165.

the same rights of common within the remaining Forests as before.

Disafforestments.

The complaint was unreasonable, as the King pointed out in his answer. Those no longer bound to harbour the King's game could not expect the same common of the King's pasture as before; the King had granted the perambulations, and they must stand, though he confessed that to his mind 'they had been sued and demanded in evil point.' But if any wished to have their lands replaced within the purlieus of the Forests, then they might have their old easements again; and the Forest officials were instructed to act accordingly.[1] The suggestion that perhaps, after all, the disafforestments were not really popular measures, and perhaps might be revoked with impunity, was not lost upon the King, as we shall see.

The other petition, to which we referred above as on the face of it acceptable to the King, was one formally preferred in the name of the Earls, Barons, and Commons of England, complaining of the large sums of money sent annually out of the Kingdom by the Cistercians, Cluniacs, Premonstratensians, and other Orders subject to foreign Chapters. This practice was condemned as being contrary to the intentions of the founders, and prejudicial to the domestic works of charity that those Houses were intended to perform. The King, being fully in accord with the spirit of the petition, agreed to an Ordinance forbidding such contributions in the future, but for the time he suspended the publication of the measure. So far the Parliament Rolls.[2] It has been suggested that perhaps Edward suspended the measure to obtain the consent of the clergy, who had not concurred in the petition.[3] Perhaps he did so. But, when we turn to the tell-tale evidence of the Revenue accounts, we find that Edward had been pocketing the proceeds of the Priories Alien for three years, as the reader knows, and that he continued to do so to the end of the reign. In fact from the spring of 1301 these receipts form a standing item in the Royal Exchequer.[4]

Priories Alien.

Under these circumstances it does not seem too much to suggest that in fact the petition in the first instance really emanated from the King.

Scottish affairs also came before the Parliament. Measures had to be taken for the regular administration of the country, now that it was settled. The King consulted the Bishop of Glasgow, Robert Bruce, and John Mowbray of Methven as to the time and place for holding a joint Parliament of the two countries, and the number of

[1] Rot. Parl. I 177, 178.
[2] Rot. Parl. I 178.
[3] Bishop Stubbs, Ann. Paulini, I civ.
[4] Pell Receipt Rolls, Nos. 123, 127, 142, etc.

Scottish representatives that might be summoned to appear.[1] The three were of opinion that a delegation of ten, consisting of two bishops, two abbots, two earls, two barons, and two commoners would suffice. The question of time and place they left to the King.[2] Edward accordingly summoned a Grand Council or Parliament of Magnates for the 15th July, to meet at Westminster; and ordered the *communitas* of the Kingdom of Scotland to meet at Perth on the 28th May to elect ten representatives to be sent to Westminster.[3] The Parliament, however, was twice adjourned, and did not meet till the 15th September.[4]

Apprehension of Wallace.

Before that day had come all England was thrown into a state of jubilee by the news that William Wallace, the notorious brigand and homicide,[5] had been found and apprehended.

His Career since 1298.

Of Wallace's movements since his resignation of the Wardenship in 1298 little is recorded. At the meeting of Scottish magnates held at Peebles on the 20th August, 1299, already referred to, an English spy reported that an uproar was created by a demand made by David Graham for Wallace's lands and goods, on the ground that Wallace was purposing to go abroad without leave. Wallace's brother Malcolm at once gave Graham the lie; the two drew their knives on each other, while Comyn seized the Earl of Carrick by the throat; and the Earl of Buchan fell foul of the Bishop of St. Andrews.[6] Here we seem to find the Wallaces, with Bruce and the Bishop falling in on the one side, and the two Comyns and Graham on the other side. William Wallace, in fact, was at the time busy harassing the English garrison besieged in Stirling Castle, and four days later succeeded in cutting off a convoy.[7] Nevertheless, whether with or without leave, he carried out his purpose of going abroad; was arrested at Amiens, and detained there at Edward's request, Philip having just made peace with England.[8] Philip, however, soon relented, and not only set Wallace free, but even gave him a letter of introduction to his agents at Rome, directing them to induce the Pope to lend a friendly ear to the matters that his beloved William Wallace wished to lay before him.[9] What special purpose Wallace may have wished to serve by going to Rome, beyond that

[1] *Parly. Writs*, I 155. [2] Id. 26 March.
[3] Id. 156.
[4] Id. 158, 159, 160.
[5] "Prædo, sacrilegus, homicida"; Westm. III 133, 321.
[6] Bain, *Calendar*, II 525. As already mentioned, the stormy debate ended by Comyn assuming Bruce and the Bishop as co-wardens.
[7] Bain, *Calendar*, II 519.
[8] Rishang. 287 (Ann. Angl.).
[9] National MSS. of Scotland, I, No. lxxv, cited Æn. Mackay, *Natl. Dicty.*

of co-operating with the Scottish envoys already there in combating Edward's pretensions,[1] we cannot tell, unless perhaps he wished to advocate Bruce's claims to the national leadership, in opposition to those of Balliol, who had proved a failure, and in fact had become a stumblingblock. Of the length of Wallace's stay abroad, or the time of his return, nothing is known; but compensations and rewards, paid in 1303 and 1304, to divers persons for services in the pursuit of him and of Simon Fraser, show that they were in arms, and playing hide and seek with the English authorities in Scotland during those years.[2] At last, the temptation of the rewards offered for Wallace's capture proved too great for Scottish virtue. In August, 1305, he was arrested by night, in a house in or near the city of Glasgow.[3] The capture was effected by Edward's Constable of Dumbarton, John Stewart, otherwise John of Menteith, a son of Walter Stewart, Earl of Menteith;[4] namely, through the agency of one Jack Short, a man, at one time a follower of Wallace, but now at feud with him, Wallace in fact being taxed with the death of Short's brother.

> "That was thorgh treson of Jak Short his man;
> He was the encheson that Sir Jon so him nam.
> Jak brother had he slain, the Waleis, that is said;
> The more Jak was fayn to do William that braid." [5]

He is brought to London,

Securely fettered and strongly guarded, Wallace was hurried to the South. On Sunday, 22nd August, he entered London, the whole city turning out to see the wild outlaw. For the night he was lodged in the house of a citizen, on the morrow he was taken on horseback to Westminster Hall. A special commission of five, one of whom was the Mayor, John Blunt, had already been appointed to try him. He was placed on a bench on the South side of the Hall,[6] crowned in mockery with a chaplet of laurel leaves. The judges would sit on the North side, where the later courts were added. Peter Mallory, Puisne Justice of the Common

Tried,

Pleas, read out the indictment. Wallace was charged with treason, murder, robbery, fire-raising and other felonies committed after Edward had become *de jure* and *de facto* King of Scotland, through the forfeiture of John Balliol, the homage

[1] See Fordun, 332, and *Scotichron.* II 210, q.v. for the "Processus Baldredi Bisset contra figmenta Regis Angliæ."

[2] See the Article in the *Natl. Dicty.* and Bain, IV 474, 475, 477, 482.

[3] In Glasgow, *Illustrations of Scottish History*, 220 (Maitland Society); Wyntoun, II 130. Near Glasgow, *Scalacronica*, 126.

[4] Stevenson, *Docts.* II 474; Hales.

[5] R. Brunne, II 239; Lanercost, 203; *Scalacronica*, 126. Menteith received the £100 worth of land; the money was divided between the "valets"; Palgrave, *Docts.* I 295.

[6] "Super scamnum australe."

of the magnates and others, and the proclamation of his peace. The Bill touches upon Wallace's invasion of England, and other acts of war; but the points upon which it lays most emphasis are, first, the murder and mutilation of John Haselrig, in which Wallace's personal agency was undoubted; and, secondly, his persistent refusal to come in to the King's peace. Wallace answered that he was no traitor, as he had never sworn allegiance to King Edward; the acts imputed to him he did not deny. Judgment was immediately passed and entered. Short shrift had Wallace. At the door of the Hall he was made fast to the tail of a horse, and so dragged from Westminster to the Tower; from the Tower to Aldgate; and from Aldgate finally to 'the Elms' at Tyburn; there to be hung, disembowelled, beheaded and quartered.[1] In further conformity with the sentence his head was impaled on London Bridge, while the dismembered quarters were sent to Newcastle, Berwick, Stirling and Perth.[2]

and Executed.

Had Wallace, like the rest of his countrymen, condescended to take oaths that he never meant to keep, there seems little doubt that he would have been admitted to terms, certainly as late as the spring of 1304.[3] The Earl of Buchan, who was responsible for the massacre of the choristers at Corbridge, found room for repentance and pardon.[4] What Edward wanted was not Wallace's blood, but the moral victory of his submission. Under the circumstances Wallace could not complain of his fate.

The Grand Council of the two nations could now meet (15 September). The Scottish Estates at Perth had duly elected ten delegates, namely, the Bishops of St. Andrews and Dunkeld, the Abbots of Coupar-Angus and Melrose, the Earls of Buchan and March, the Barons John Mowbray and Robert Keith; and as representatives of the commonalty,[5] Adam of Gordon and John of Inchmartin. The Earl of Buchan failed to appear, and Edward appointed John of Menteith in his stead.[6] With these ten were associated twenty Englishmen; and the body drew up a set of regulations for the government of Scotland. John of Brittany was appointed King's Lieutenant or Warden, at a salary of £2,000 a year,[7] with a Chancellor, a Chamber-

Grand Council of the Two Nations.

Settlement of Scotland.

[1] That the disembowelling was to follow the hanging is clearly prescribed in the sentence.

[2] See the Record, Ann. London, 139–142.

[3] See Edward's letter to Alexander of Abernethy of the 4th March, 1304, in answer to an enquiry as to the possibility of terms for Wallace. "Sachez que notre volunte nest mie que a li . . . vous tiegnez nule maniere de parole de pes, sil ne se mettent de haut et de bas . . . a notre volunte"; Stevenson, *Docts.* II 470. The King will pledge himself to nothing, but if Wallace and his men will throw themselves on his mercy, he will think over the matter.

[4] Lands restored May, 1304; Bain, *Calendar*, II 400.

[5] "La commune." [6] *Parly. Writs*, I 158, 159, 160. [7] Calendar, Pat. R.

lain, and a Council of twenty-two Scotsmen to assist him. Sheriffs also were appointed for the counties—the rights of the hereditary sheriffs being respected—while four sets of justices were named for Lothian, Galloway, and the districts South and North of 'the Mount,' respectively.[1]

Highly pleased to find the Scots in so amenable a mood Edward ratified the little constitution, and in the joy of his heart not only gave extended time for payment of ransoms, but actually relieved Comyn and Wishart of the sentences of temporary exile under which they laboured. The affair closed with performance of homage on acceptance of office by the Scottish councillors, including the Bishops of St. Andrews, Dunkeld, Aberdeen, and Ross, and the Earls John of Strathbogie, Earl of Atholl, and Robert Bruce, Earl of Carrick.[2] The latter was now Lord also of Annandale through the death of his father, who had passed away in the previous year.[3]

[1] *Parly. Writs*, I 160–163; Palgrave, *Docts.* I 192.

[2] 15 October; *Fœdera*, I 974. "Gavisus ergo Rex ob spem firmæ ac futuræ pacis in Scotia fecit misericordiam," etc.; Westm. III 125. The homage was rendered at Sheen (Richmond).

[3] Before 4 April, 1304; Bain, II 388.

CHAPTER XXXII

EDWARD I (*continued*)

A.D. 1302–1306.

Reactionary Proceedings—Bigod—Bohun—Archbishop Winchelsey—The Disafforestations revoked—Assassination of John Comyn of Badenoch—Crowning of Robert Bruce Earl of Carrick as King of Scotland—Knighting of the Prince of Wales—War in Scotland—Bruce's Party dispersed.

INDULGENT and forgiving as Edward had shown himself towards the Scots whom he wished to reconcile to his rule, towards those of his born subjects, who ventured to thwart or oppose him, his attitude was stern and unforgiving. Not one of the men who had led the constitutional struggles of the years 1297–1301 escaped feeling the weight of the King's displeasure.[1] Roger Bigod was induced to purchase pardon by surrendering the whole of his honours and estates to the King, who, three months later, was pleased to regrant them to 'Roger, late Earl,' and the heirs of his body begotten. As Bigod was an old man and childless, this amounted to a grant for his life only, with an absolute reversion to the Crown, and as such the charter plainly treats it.[2] The Bohun of 1297 had died in 1298; but, again, in 1302 his son Humphrey III was advised to apply for the hand of the Lady Elizabeth, widow of John, Count of Holland; and in connexion with the marriage he had to make a surrender of all his honours and estates to the King, for resettlement, of course, on the issue of the marriage, with an ultimate reversion again to the King.[3] Thus another big fief was secured prospectively for the benefit of the Royal Family, in addition to Chester, Cornwall, Devon, Albemarle and Lancaster already brought in.[4]

Reactionary Measures.

[1] So Rishang., 227; Westm. III 125.

[2] 12 April and 12 July, 1302; *Fœdera*, I 940; Rishang. sup.; Westm. 452 (1601). Both writers treat the affair as one of punishment for 'dedecus' brought on the King. The estates were valued at £4,000 a year; *Fœdera*, 998.

[3] 8 October, 1302; *Fœdera*, 944.

[4] Chester was held by the Prince of Wales; Cornwall had escheated to the Crown through the death of the King's cousin, Edmund of Alemagne, who passed away 1 October, 1300, without issue. Lancaster was held by the King's nephew, Thomas, son of Edmund Crouchback, who died 1 June, 1300; *Complete Peerage*; q.v. for the surrenders by which Devon and Albemarle were acquired, also Tout, *Transactions Royal Hist. Society*, New Series, VIII 139.

After the supposed settlement of Scottish affairs in 1305 Edward began to indulge more freely in reactionary measures. We find John Lovetot, the man who had ventured to impeach the Treasurer Langton, imprisoned in Newgate, and dragged from thence 'in violation of the civic liberties' to be condemned, and, apparently, executed, on some charge not specified.[1] But the offendings of all these men were trivial in comparison with those of the Primate, the one man who had distinctly got the better of the King, and put him to the supreme humiliation (*dedecus*) of being forced to keep his Royal word. We have already noticed the trouble in which Winchelsey was involved in the suit relative to the living of Pagham, "at which the King must have connived," when a sentence of excommunication was actually obtained against the Primate.[2] In December, 1304, the Papacy being vacant,[3] the King did not scruple to write to Rome to ask that his Chancellor, William of Grenefeld, Elect of York,[4] when consecrated, might be allowed to carry his cross in the Southern Province. This, of course, was intended as a deliberate insult to Winchelsey; one that would be resented not only by him, but by the whole of his clergy.[5] The accession of a Gascon Pope, a subject of his own,[6] and presumably in some measure indebted to him for his promotion, gave Edward an opportunity of re-asserting himself in more than one direction. The new Pontiff on his election had sent envoys to England to request that his coronation might be graced by the presence of the King or his son. Edward declined the invitation,[7] but took the

The Offending Primate.

A Gascon Pope.

[1] "Contra libertates civitatis Londoniensis . . . dominus Johannes de Lovetot positus ad suam pœnitentiam et condempnatus"; Ann. London, 137; A.D. 1305.

[2] 1301–2, above, p. 479.

[3] Boniface VIII died 11 December, 1303, as already mentioned. Eleven days later Niccolo Boccasini, a Dominican, was elected; and was crowned on the 27th of the month as Benedict XI. He died on the 6th or 7th July, 1304. The Holy See remained vacant till the 5th June, 1305, when Bertrand de Got was elected. H. Nicolas, Martin and Lavisse.

[4] John le Romayne, the last Archbishop of York that we have had to notice, died 11 March, 1296; on the 15th June following, Henry of Newark was consecrated in succession to him; and he died 15 August, 1299. On the 28th February, 1300, Thomas of Corbridge was consecrated Archbishop of York; he passed away on the 13th September, 1303 (*Reg. Sacrum*), and, finally, Grenefeld was elected on the 29th December, 1304 (*Fœdera*, I 968); but he did not obtain consecration till the year 1306.

[5] *Fœdera*, I 968, 969; Ann. London, 144.

[6] Bertrand de Got, Archbishop of Bordeaux, elected 5 June (Lavisse, Martin, and Palgrave, *Parly. Writs*, I 67) and crowned 14 November, 1305, under the style of Clement V. With him began the 'Babylonish captivity' of the Holy See, while held by a series of French Pontiffs.

[7] *Fœdera*, I 973.

opportunity of accrediting an embassy which included the Earl of Lincoln, Hugh le Despenser, Otes of Granson, and Winchelsey's sworn foe, the Treasurer Walter Langton, Bishop of Chester, Coventry and Lichfield. The envoys were directed ostensibly to discuss the question of a fresh Crusade, and to ask for the canonization of Thomas of Cantilupe, formerly Bishop of Hereford; while confidential instructions authorized them to speak to the Supreme Pontiff on matters 'near to the King's heart.' One of these was a request for a Bull to relieve the King of his oaths to respect the Charters; and in connexion therewith, as a precedent to enlighten the Holy Father's conscience, they were furnished with a certified copy of the Bull of Clement IV annulling the Provisions of Oxford.[1] Clement V made no difficulties. On the 29th December he sealed a Bull relieving the King of the concessions extorted from him 'when in Flanders' with reference to the Charters, and more especially with reference to the Forest Charter, saving however 'the pre-existing rights, if any, of the English people.' Sentences already denounced against infringements of the Charters were cancelled; while, to make the King and his son perfectly safe, three days later, a prohibition was issued against any future sentence affecting either of them being issued without special leave from the Holy See.[2] "This prohibition left Winchelsey both personally and politically defenceless."[3]

A Dispensing Bull.

His turn came next. His degradation was the other matter that the King had at heart; and his enemy, Walter Langton, "had the Pope's ear." On the 12th February, 1306, Winchelsey was suspended and summoned to the Curia.[4] Having received private notice of the coming blow he waited on the King, to ask for his mediation. Edward covered him with abuse, recounting the insults (*dedecus et despectus*) that he had suffered at the Primate's hands; it was no fault of his that he, Edward, had not been dethroned; kindness would be thrown away on the Archbishop. "One of the two must quit the Kingdom."[5] Edward then wrote to the Pope, reiterating his charges against Winchelsey, and declaring

Winchelsey Suspended.

[1] *Fœdera*, I 974–976; 15 October–2 November. Edward also presented the Pope with his own chamber and dinner services of gold; Rishang. 227.

[2] *Fœdera*, I 978, 979.

[3] Stubbs, Ann. Lond. cvi; q.v. for the whole episode. As a further compliment to the King and the English, Clement created Anthony Beck, the Bishop of Durham, Patriarch of Jerusalem; Rishang. 228; Hemingb. II 242. A more substantial concession for the King was that of two more years of Crusade Tenths, less one fourth reserved for the Pope; Rishang. 228. See below financial review.

[4] See the Bull; Ann. London, 145.

[5] Birchington, *Angl. Sacr.* I 16; Stubbs, sup.; and especially the King's own letter below.

that his presence in England was a hindrance to the peace of the land, and also to the Crusade, that Crusade that both he, Edward, and the Pope had so much at heart.[1] The Archbishop had no alternative but to submit. On the 18th May he received the letters of suspension, and next morning set out for Bordeaux, where the Papal Court was established, not to return to England till after the coronation of Edward II.[2]

The Disafforestments cancelled.

The dispensing Bull was not allowed to lie a dead letter. On the 27th May the King published a new Forest Ordinance, and a most hypocritical production it is. Edward describes himself as tossed about, even to loss of sleep, by waves of thought, and inward trouble as to 'what to do, what resolve, what carry out.'[3] He consoles himself with the reflexion that his one care has been to provide the sweets of peace and tranquillity for his subjects, and that his trust is in the Lord. He has received numerous complaints of malpractices committed by Forest officials, to the detriment sometimes of the people, sometimes of the Crown. Regulations for the due legal trial of Forest offences committed on either side are then laid down. Coming to the question of the disafforestments, the King intimates graciously that he would not have any man molested for acts committed within the disafforested districts while they were disafforested, because he did concede the perambulations, though unwillingly. Now, however, that the Pope has taken off the excommunications protecting the disafforestments, he utterly revokes and quashes them. The revocation of the Forest concessions is thus introduced casually and parenthetically. To make the revocation perfectly clear, however, Edward orders all newly erected fences to be removed.[4] For such a gross breach of faith no excuse can be offered.[5] Nine days later the Bull absolving the King from his oath to the perambulations (*porale*) was publicly read at St. Paul's.[6]

[1] 6 April, 1306; *Fœdera*, I 983.

[2] Annal. London, 144; Somner, 31; cited Stubbs, sup. cvii.

[3] "Noctes tenemus insompnes, quid agendum, quid tenendum, quid exequendum," etc.

[4] Statutes, I 147.

[5] Bishop Stubbs puts it that Edward "revoked the disafforestations . . . only to pardon trespasses committed in consequence"; *Const. H.* II 162. Again he says: "The real answer to the charge . . . of bad faith against Edward . . . is that he did not act upon the absolution"; *Select Charters*, 491. With respect to the last allegation I must point out that Edward's re-afforestations were very real, and will be found a rankling sore, and a bone of contention with the Crown throughout the century. As to the former allegation, it seems rather strong to claim merit for not taxing men with infringements of Forest Law for acts committed on lands which were not at the time under Forest Law. Edward really hints that he might have given retrospective effect to his revocation, if he had chosen to do so.

[6] Ann. Lond. 146.

Once more we must turn our eyes to the unresting North, to follow the events that placed the House of Bruce upon the throne of Scotland. Robert Bruce VIII, Earl of Carrick, had become head of the family, and heir of all its aspirations and traditions through the death of his father, which happened in 1304, as already mentioned. In his politics he had been most unstable, perpetually revolting, submitting, and then revolting again. His fluctuations may easily be accounted for. He was a man of double allegiance, with estates on both sides of the Border. He would be loth to forfeit popularity in Scotland by siding definitely with the English; while on the other hand he could not feel deeply interested in a government carried on in the name of John Balliol, and by the Comyns. Assumed as a co-Warden by Comyn of Badenoch in 1299 he had set the example of submission in 1303; and had, in outward seeming, faithfully adhered to Edward ever since. In 1304 he was active throughout the siege of Stirling;[1] and was, as we have seen, with Comyn, one of the standing Council appointed to advise John of Brittany in governing Scotland. Edward had been most indulgent to him, admitting him at his father's death to all his estates, including the keeping of such places as the Castles of Lochmaben, Ayr, and Kildrummy in Aberdeenshire, and remitting all debts due by him to the Crown.[2] Yet at the very time when he was receiving these benefits, and serving under Edward's banner at the siege of Stirling, Bruce was plotting for a fresh rising on his own account. On the 11th June 1304, he had a secret interview at the neighbouring Abbey of Cambuskenneth with William Lamberton, the Bishop of St. Andrews, a strong Nationalist, and the two sealed a bond of 'Confederation' for the attainment of certain undisclosed ends, in which they undertook to support each other 'as against all men'; this they did in order 'to avoid perils' and 'to resist the attempts of rivals.'[3]

Robert Bruce VIII, Earl of Carrick.

A Secret Treaty.

Of the meaning of such a compact there could be no doubt. One man there was who, now, more than ever, would stand in Bruce's way, the Red Comyn of Badenoch,[4] the champion of Balliol's cause, and, failing Balliol's issue, the heir of his rights.[5] He was quite the leading man in Scotland, and had taken a much more single-minded and decided part than Bruce had done.

The Red Comyn.

[1] See Stevenson, *Docts.* II 472, 478, etc.

[2] Bain, *Calendar*, II 403, 446, 459.

[3] Palgrave, *Docts.* I 323. Lamberton, like Bruce, was on the Council and had again done homage.

[4] "Dominum Johannem dictum le Rede Comyn"; Ann. Worcester, 557; *Scotichron.* II 225. The appellation had been applied to his father before him.

[5] Comyn was son of Marjory Balliol, sister of King John; *Scalacronica*, 121. He was married to Jeanne, daughter of William of Valence, late Earl of Pembroke, and uncle to the King; Bain, *Calendar*, II 167.

In 1295 and 1296 he had plotted and fought against Edward. When Balliol submitted in 1296 he did the same, and was interned in England. Set free on condition of serving the King in Flanders,[1] he had found his way home, and had led the national party from 1298 down to the time of his final submission at Strathord. Bruce doubtless during his attendances in London in the year 1305 had seen enough to satisfy himself that the time for putting his plans into execution could not be far distant. Edward was in his 67th year, and beginning to fail, after a life of strenuous bodily and mental exertion;[2] while the incapacity of the Prince of Wales, his extravagance,[3] his fondness for low company,[4] and devotion to an unworthy favourite, a greedy presumptuous young Gascon, by name Pierre de Gaveston, were beginning to create uneasiness. It must have been matter of notoriety in the autumn Parliament that the Prince had been banished from Court for four months, for violent language[5] to the Treasurer, Walter Langton, who resisted his demands for money, and that he had also been obliged to dismiss Gaveston from his service.[6]

The Prince of Wales.

Peter Gaveston.

We may take it that Bishop Lamberton was not the only man that Bruce had sounded on the question of the necessity of dropping Balliol, and setting up a more effectual King and leader, if the struggle for independence was to be carried on with any hope of success.[7] Comyn, as the one man who could dispute Bruce's claim to the leadership, must have been early approached on the subject, presumably before the year 1306. Anyhow on the 10th February in that year, Comyn, at Bruce's

Bruce and Comyn.

[1] Bain, *Calend.* II 242.

[2] "Ore est temps en veillesce de cesty roy"; words put into Bruce's mouth; *Scalacronica*, I 30. At the great Feast of the Translation of St. Edward (13 October) the Prince had to preside at dinner instead of his father, but not his father's seat; Ann. London, 145.

[3] For his housekeeping when in command at Perth in 1304, see Fordun, 336. Wine flowed.

[4] Edward was said to associate with "Scurris, cantoribus, aurigis, remigibus"; Higden, *Polychronicon*, VIII 298 (Rolls Series, No. 41).

[5] "Verba grossa et acerba"; Abbreviatio Placitorum, 257.

[6] Peter Gaveston must have come to England in 1299 with his father, Arnald de Gaveston, an old soldier, who had deserved well of the King. Langton had not only refused the Prince money, but ventured to lecture him on his habits. The King banished him 14 June (1305) and kept him in seclusion at Windsor till the meeting of Parliament (15 September). On the 4th August the Prince writes to his sister, the Lady Elisabeth, to ask the Queen to use her influence with the King to allow the writer to have "Perot" (Gaveston) with him. I infer from this that he had already been required to part with Peter. See the Prince's own letters printed by Mr. Blaauw in the *Sussex Archæol. Collections*, II 82–97; *Parly. Writs*, I 378; Trokelowe, Ann. 63 (Rolls Series, No. 28); H. Knighton, I 406 (Rolls Series, No. 92).

[7] See *Scalacron.* 129; also Fordun, 337.

request, met him in the church of the Friars Minors at Dumfries. Bruce at the time was residing at Lochmaben, and Comyn at his castle at Dalswinton, both within easy reach of Dumfries, while the royal justices were holding Assizes at Dumfries at the time, so that the Barons could meet without exciting comment. According to Scottish tradition Bruce pressed Comyn for his decision on an option already submitted to him, namely that of either taking the Crown on condition of making over his private estates to Bruce; or else of allowing Bruce to become King on condition of assigning his lands to Comyn.[1] The proposal was not without precedent, as a similar compact had been entered into by two of the Claimants in 1291. Comyn answered firmly that he would not break his oath to Edward, or be a party to any transaction that might lay him open to a charge of treason against the King. Bruce waxed furious. Was Comyn going to betray him? Had he perchance already betrayed him? Losing all self-control he first kicked and then stabbed Comyn. Robert Comyn, uncle to the ex-Warden, attacked Bruce with his sword, but Bruce's armour turned the blows, while his brother-in-law, Christofer Seton, promptly cut Robert Comyn down.[2] Hastening out of the church, Bruce exclaimed to his attendant esquires, James Lindsay and Gilpatrick of Kirkpatrick, 'I doubt I ha slain the Red Comyn.' 'Do ye doubt?' answered they. 'We'll mak sicker' (*make sure*). Rushing in they despatched the victim. Comyn had not been mortally wounded; the Friars were attending to him, and with care he might have lived.[3]

Proffer of an Option.

Comyn assassinated.

Meanwhile Bruce, mounting the first horse that came to his hand, and that happened, in fact, to be Comyn's, rode straight to the castle. Having made all safe there, he turned his attention to the sitting Justices in the town hall. They attempted to bar the doors against him, but under threat of fire quickly gave in, and were allowed to retire in peace to England.[4]

[1] So *Scalacronica*, 129; Fordun, 337, 338; *Scotichron.* II 225; Wyntoun, II 122. I attach weight to the testimony of the *Scalacronica* as having been composed between the years 1355 and 1357 by a man of birth confined in Edinburgh Castle, where he must have been conversant with the best native tradition on the subject.

[2] *Scalacronica*, 129, 130; Hemingb. II 245; Lanercost, 203; M. Westm. III 128.

"A spekyng ther thei nome, the Comyn will not wirke,
Ne do after the sawe (*say, saying*) of Roberd the Brus."

R. Brunne, II 330; Trevet, 407; and Rishang. 229 give the 29th January as the date.

[3] *Scotichron.* II 228. Lindsay was a younger son of Alexander Lindsay of Crawford. The Kirkpatrick family afterwards gloried in the deed, and took "Mak Sicker" for their motto.

[4] Hemingb. sup.

Question of Premeditation.

The circumstances of the murder do not suggest premeditation, although, no doubt, both the English writers expressly,[1] and the Scottish writers indirectly, through their elaborate impeachments of Comyn, impute it. Fordun's story is that Bruce, having placed the option as to taking the Crown before Comyn, the latter readily entered into the proposal, and sealed his acceptance by an indenture, which, however, apparently left the essential point which of the two was to be King still unsettled; the writer goes on that Comyn basely revealed the agreement to Edward; that Bruce in consequence was detained at Court; but that, having got a friendly warning from the Earl of Gloucester, he made off by night for Scotland; that on the way he intercepted a messenger sent by Comyn with the actual deed of confederation, to be delivered to the King, and that Bruce went to the meeting at Dumfries with this proof of Comyn's treachery in his hands. Bower (*Scotichron.*) and Wyntoun follow Fordun, with embellishments that do not add to the credibility of the original story.[2] Here it is plain that, in the anxiety to make out an overwhelming case against Comyn, the writers leave their hero open to the charge of deliberate premeditation. But whether the deed was premeditated or not, Bruce's memory will be darkened by the shade of the stricken Comyn to the end of time.

The news that Bruce was King flew round the land like wildfire. Once more the Scots rose tumultuously. The Comyn partisans and the English hid their heads or fled for their lives.[3]

Coronation of Bruce.

Bruce lost no time in defining his position. On the 25th March he was crowned at Scone.[4] In the absence of the regalia, or "Honours of Scotland," as they were termed, a slender circlet of gold did duty as a crown.[5] The ceremony was attended by the never-failing Bishops of St. Andrews and Glasgow, the Abbot of Scone, the Earls of Atholl and Lennox, and a fair assemblage of barons and minor gentry.[6] But in Scotland coronation was an exotic rite; the indigenous ceremony was installation on a

[1] So both Hemingburgh and the *Scalacronica*. The point that tells most against Bruce is the fact alleged by the latter (p. 129) that Bruce's brothers, Thomas and Nigel, who had carried the invitation to Comyn (Hemingb. II 245), refused to accompany Robert to the meeting, not liking the looks of the affair.

[2] The *Scotichronicon*, II 225 makes the original proposal of the option come from Bruce at a meeting near Stirling, a detail obviously borrowed from the real meeting with Bishop Lamberton. Further on the writer, with some hesitation, refers to an alternative version, according to which the option would have been originally tendered by Comyn (p. 227). Barbour ("Brus," 20) and Wyntoun (II 122) accept this version, and make Bruce at once elect to be crowned.

[3] Hemingb. sup.

[4] Hemingb. II 247; Lanercost, sup.; Westm. III 323.

[5] "Coronella aurea"; *Fœdera*, I 1012.

[6] See the list of subsequent confiscations; Palgrave, *Docts.* I 306–354.

chair on the Stone of Destiny. But the Stone was at Westminster; and the Earl of Fife, to whom the right of installing the King appertained, was a minor and in Edward's hands. The old royal chair, however, had not been carried off, and was still available. The Countess of Buchan, sister to the Earl of Fife, came forward to perform the family office,[1] and by her hands the investiture was completed on Palm Sunday, the 27th March.[2]

Edward quickly realized the gravity of the crisis. He was spending the winter on the South coast for the benefit of his health.[3] The news of Comyn's death reached him at Hyde, near Winchester, on the 23rd February. On the 1st March he issued orders for sending supplies from England and Ireland to different points on the Border and the Scottish coast, for a fresh campaign.[4] On the 5th April Aylmer of Valence, Earl of Pembroke, was instructed to call out the men of Lothian and the Northern counties of England, in order to suppress the rebellion of 'Robert Bruce, late Earl of Carrick.'[5] With equal promptness a report of Bruce's crime was forwarded to the friendly Clement at Bordeaux, who at once issued a Bull authorizing the excommunication of the Earl of Carrick, 'with bell and candle,' if the charges against him should appear well founded.[6] At the same time the King announced an intention of knighting the Prince of Wales at Whitsuntide, a ceremony that had been unaccountably delayed. The Prince was almost twenty-two years old, while previous Heirs to the Throne had been thought fit to receive the honour at sixteen years. To make up for the delay, the duchy of Aquitaine, with the Isle of Oleron, was conferred upon him (7 April); while proclamation was made for all men, eligible and desirous of being knighted, to come to town to be dubbed at the King's expense. An Aid for knighting the eldest son would be exigible as of course; but as the amount, through the decay of the old feudal assessments, would be trivial, a Parliament was summoned to grant a subsidy.[7]

Edward's Measures.

On the 20th May the failing King[8] came to London, having spent the months since the beginning of December in the sunny counties of Dorset, Wilts and Hants.[9] Unable to sit his charger he was brought to London on a litter.[10] But if the bodily frame was failing the moral energies were unimpaired.

The King's Health.

[1] Hemingb. II 247; Trevet, 407; Westm. III 129.
[2] Westm. 130; Fordun, 340; *Scotichron.* II 230. [3] Trevet, 408; *Itinerary.*
[4] Bain, *Calendar*, II 471, 472. [5] Id. 473. [6] 18 May; *Fœdera*, I 987.
[7] *Fœdera*, I 983; *Parly. Writs*, I 164, 374, 377.
[8] "Rex . . . vergens jam in senium"; Westm.
[9] *Itinerary.* From the 7th March to the 16th May the King rested at Winchester, shifting his quarters backwards and forwards, to and from the Castle and Wolvesey Castle, almost daily, in the strangest manner.
[10] "Currizando, quia ob infirmitatem quam habuit in tibiis non potuit equitare"; Trevet, 408.

It was at this very time that Edward was browbeating Archbishop Winchelsey, and preparing to revoke the Forest concessions. His confidence in his own ascendency again seems magnificent, but it is just possible that the King took advantage of the stir caused by Bruce's crime, and the fresh Scottish rising, to secure private ends.

The money and trouble lavished on the knighting of the Prince of Wales, at such a juncture, may seem unaccountable. But the pageant had a deeper meaning. The King sought to enlist the romance of the age on behalf of his scheme; he hoped to pledge the rising generation to the achievement of the conquest that was slipping from his grasp.

Knighting of the Prince of Wales.

By Whitsunday, 22nd May, the unprecedented number of 267 candidates appeared to profit by the King's liberality.[1] The young Earls of Surrey and Arundel headed the list.[2] Robes of 'purple' (? scarlet) and cloth of gold, with fine muslin,[3] were distributed to all, according to their several ranks. The royal palace at Westminster being unable to accommodate such numbers the majority of the neophytes (*tirones*) bivouacked in the orchards adjoining the Temple, and held their vigils in the Temple Church. The Prince and his circle held their vigils in Westminster Abbey. The King was unable to appear in public, and dubbed his son in private, at the same time formally investing him with Aquitaine and Oleron. The Prince then dubbed the others at the high altar in Westminster Abbey. The crowd was such that many persons fainted, and two knights were actually crushed to death. The king appeared at the banquet, and there the proceedings were brought to a point. Two swans, richly adorned with network of gold, were carried in by heralds and minstrels with festive pomp. When the birds were laid on the table the King rose to utter a chivalrous vow in honour of the occasion. 'Before God and the swans' he swore to avenge the death of Comyn, and the insult to the Church.[4] He vowed never again after that to draw his sword on Christian, but only on Paynim in Holy Land. He adjured his son and all present not to bury him 'till

A Chivalrous Vow.

[1] See the names given by Ashmole, *Institution of Garter*, 38; cnf. Hemingb. II 248.

[2] Hemingb. II 408. The Earl of Surrey was John of Warenne, grandson of old Earl John, who died 25 September, 1305; Arundel was Edmund Fitzalan, son of Richard, who died in 1302; *Complete Peerage*.

[3] "Purpura, byssus, sindones et siclades auro textæ"; Westm. III 131. Siclades, properly cyclades, were bordered robes worn by women in classical times; Lewis and Short. See also Cal. Pat. R. IV 425.

[4] For other instances of fantastic vows offered at the dinner table over a pheasant, a peacock, or the like, see Hailes, Ann. II 5; also Turner, *Manners and Household Expenses*, 141; Pauli. 80*s*. 6*d*. were paid for the adornment of the swans; Wardrobe Account, 34 Ed. I; Pauli.

the Lord had given him victory over the crowned traitor, and the perjured nation.' The King's vow was taken up by acclamation, the Prince swearing not to sleep two nights in the same place till he had reached Scotland.[1]

The King as usual was able to combine a little business with pleasure. Two granddaughters were bestowed on eligible young noblemen. The hand of Jeanne, daughter of the Lady Eleanor by Henry III, Count of Bar, was given to the young Earl of Surrey; while Hugh le Despenser the younger received that of Eleanor, daughter of the Countess of Gloucester (Jeanne of Acre).[2] On the 30th May Parliament granted a special Aid or subsidy, the Barons and Knights giving a Thirtieth, and the Burgesses a Twentieth.[3] On the 5th June the Papal Bull anathematizing Robert Bruce, together with that relieving the King from his oath to the Charters, was published at St. Paul's.[4] The perambulations had already been revoked, as above mentioned (27 May). These coincidences are very noteworthy. In the general state of public excitement the revocation of the Forest concessions passed unnoticed.

A Subsidy granted.

The festivities over, the Prince and his comrades started for the North. Aylmer of Valence, Robert Clifford, and Henry Percy had preceded them, and, marching by different routes, had reached Perth without opposition. One detachment passing through Fife caught the irreconcilable Bishop of Glasgow in Coupar Castle. The equally indomitable Bishop of St. Andrews and Abbot of Scone also fell into their hands.[5] They were sent to England, "fettered on hackneis," to abide the Pope's decision, their episcopal rank protecting them from more summary treatment.[6]

The War.

Bruce had gathered something of an army in the neighbourhood of Perth. Four or five earls, and from 100 to 150 lairds, can be identified as supporting his cause at this time.[7] The young 'savages' from the Hills, 'lightly moved against the English,'[8] would join his standard only too readily. But a country so disorganized and wasted with

[1] See the account, clearly by an eye-witness; Westm. III 131, 132; also Trevet, 408; Ann. Lond. 146.

[2] *Complete Peerage*; Langtoft, II 368.

[3] *Parly. Writs*, I 177, 178.

[4] Ann. London, 146, 147.

[5] Palgrave, *Docts.* I 322; *Northern Registers*, 173, 178.

[6] Clement V wished the Bishop of Glasgow to be sent to Rome, but Edward would not part with his prize; *Northern Registers*, 169.

[7] The Earls were those of Atholl, Lennox, Menteith, Strathearn, and perhaps Mar; the Bishop of Moray sided with them, besides Wishart and Lamberton, already mentioned. See the lists; Palgrave, I 301–318, 353.

[8] "Sauvages jonez (Jeunes) gentez, legers a movoir countre Engles"; *Scalacron*. 131.

war as Scotland then was could not have turned out a real army in so short a time. Still Bruce thought himself a match for Aylmer. On the 19th June he appeared at the gates of Perth, and challenged his antagonist. The Scottish knights, though ready to fight, were not over anxious to be identified. To avoid recognition they appeared with white shirts over their armour, like the 'Whiteboys' of another age. The day was a Sunday—the Sunday before the Feast of St. John, the patron saint of Perth. De Valence answered that he would fight on the morrow. The Scots, after waiting 'from mattins till high noon,' retired to Methven, about six miles off, disarmed, and began to look about for quarters and refreshment. Suddenly the alarm was raised that the enemy was upon them. De Valence, on second thoughts, disliking to appear backward, had marched out to give battle. The Scottish horse, mounting with all speed, attempted to make a stand, but were soon scattered. Bruce was captured, but when recognized was allowed to escape by John of Halyburton; while his nephew, Thomas Randolph, also taken, owed his deliverance to Adam of Gordon. The loss in killed was small, but the defeat was "a heavy blow to the infant cause," and a series of disasters followed.[1] The Prince appeared in the field, and, by merciless severity, cowed the Lowlands into submission. His conduct, in fact, brought on him a severe rebuke from his father, who condemned the execution of mere followers, acting under orders, when the leaders had escaped.[2] Simon Fraser was captured at 'Kirkencliff' near Stirling.[3] Bruce, with the main body of his following, had retreated into the hills. On the 11th August they were brought to bay at Dalry, near Tyndrum, the Western Highlanders opposing them. Another defeat ensued, not serious in loss of life, but crushing in its moral effect. Bruce's band was broken up. The Queen and the other ladies of the party retreated Northwards, under the care of Nigel Bruce and James Douglas. King Robert and his other brothers made their several ways westward, and wandered from refuge to refuge, homeless outlaws; the lochs and the moors supplying their food, the heather at times their couch.

Battle of Methven.

The Prince in the Field.

> "As outlawis went mony a day
> Dreand in the month their pyn."[4]

In constant peril, Bruce again and again owed his life to his athletic

[1] Hemingb. II 248; *Scalacron.* 130; Trevet, 469; Barbour, 34–40; and for the date, Fordun, 341. Hemingburgh gives the date as 26 May. Randolph made his peace with the English by changing sides.

[2] Rishang. 230; Lanercost, 204.

[3] August; Palgrave, *Docts.* I 310; Wright, *Pol. Songs*, 216.

[4] Fordun, 342; Barbour, 43, 44. Tradition points to a cave on Loch Voil in Balquhidder as having been occupied by Bruce; that would be just after the action at Dalry.

frame, his skill in arms, and his indomitable courage.[1] Eventually he found a shelter with the chiefs of Kintyre, who placed him and his followers in safe concealment for the winter in the Island of Rathlin, on the coast of Ireland.[2]

Bruce's Followers.

Ill fared it with those of Bruce's followers who had retreated to the North. His Queen and his daughter Marjory[3] were taken in the sanctuary of St. Duthac at Tain by William, Earl of Ross, and given up to the English. Other ladies were taken with Nigel Bruce at Kildrummy. The Earl of Atholl (John of Strathbogy)[4] was captured while endeavouring to escape by sea; Christofer Seton was taken at "Lochdor" (? Lochindorb, Elgin).[5]

Their Treatment.

Edward, while condemning severity towards helpless peasants, had no scruples about dealing with men of any position who were implicated in the murder of John Comyn. All who were accessory to that crime, either before or after the fact, all actually taken in arms, must suffer death: those who yielded at discretion would be provisionally imprisoned, as well as those found guilty of having sided with Bruce in his rising.[6] These rules were pretty strictly enforced. Fraser, with two men taken with him, were sent to London, and executed on the 7th September.[7] The Earl of Atholl suffered the same doom there exactly two months later. Intercession was made for him on the ground of a vague claim of relationship to the King as son of an alleged King's aunt, Maud of Dover. Thirty feet extra height of gallows was the only distinction vouchsafed to him.[8] Christopher Seton was taken to Dumfries:

[1] For one of these encounters see Barbour, 51. The celebrated Lorne brooch still exists as a memorial. A cast of Bruce's skull may be seen in the Antiquarian Museum in Edinburgh; the massive prognathous jaw, the huge buck teeth, attest bodily strength and animal courage in the highest degree.

[2] Fordun, 342; Barbour, 60–74. According to this writer the man who gave Bruce most help was Angus of Ile (? Islay) of Donavardyne Castle; Kintyre, p. 71. In the English records Malcolm Macculian of Kintyre is prominent as a rebel; Palgrave, 309.

[3] Marjory was Bruce's daughter by his first wife Isabel, daughter of Donald, Earl of Mar. His second wife was Elisabeth de Burgh, sister of Richard de Burgh, Earl of Ulster. So Mr. Mackay in the *Natl. Dicty.* Hemingb., II 249, calls Elisabeth the daughter of the Earl.

[4] The second John of Strathbogie given in the *Complete Peerage* seems a mistake. There was but one John, son of David; G. J. Turner, *Genealogtsi.* So, too, Douglas, *Peerage.*

[5] Fordun, 342; Hemingb. II 250; Trevet, 410; Lanercost, 304; Barbour, 76.

[6] See the proclamation; *Fœdera,* I 995; Palgrave, *Docts,* I 361.

[7] Ann. London, 148. Fraser was drawn, hung, beheaded, and disembowelled. See the ballad in Wright's *Pol. Songs,* p. 211; it must have been written before the month of November, as it speaks of the Earl of Atholl as living.

[8] For the alleged kinship see *Scalacron.* sup. and Lanercost, 205. For the real descent of the Earl, Mr. G. J. Turner, *Genealogist,* New Series. XXII. 105.

young Nigel Bruce to Berwick; both underwent the same penalties. Among the less deeply implicated persons who were subjected to imprisonment were the Earls of Menteith and Strathearn;[1] Donald, the young heir of Mar; Simon, Fraser's son; and Thomas Randolph. The last earned a pardon by serving with the English.[2]

The Ladies of the Party.

For the treatment of the captive ladies, Edward himself gave special instructions. "The Countess of Carrick" was sent to Brustwick manor in Holderness in honourable custody. She was to occupy the best house in the manor; to have fish and venison: liberty to ride, and three greyhounds for her amusement. Her retinue was to comprise a maid of honour, and a chamberwoman, both to be 'of good age, and nothing gay';[3] also two valets, one to be appointed by the Earl of Ulster, the other, a man of the district, to carve; a master valet 'of good carriage' (*de bon port*) to keep the keys, and have charge of the pantry and buttery; and lastly a groom (*garzon a pee*), 'sober not riotous,' to make her bed and attend to her room.[4]

Queen Elizabeth.

The liberal treatment accorded to Elisabeth may have been partly due to the fact that she was understood to have opposed her husband's enterprise. When he hastened to congratulate her on her accession to a throne, she shook her head, 'Playing at King and Queen, I fear.'[5] The loyal service and prudence of her brother may also have told in her favour.[6] Certainly very different treatment was allotted to the women who had supported Bruce heartily. His daughter Marjory and his sisters Christina Seton and Elisabeth Siward, were placed in close custody in England.[7] The Countess of Buchan and Mary, another sister of the Bruce, were incarcerated in the severest manner short of actual torture. By the King's express orders they were sent, the one to Berwick Castle, the other to Roxburgh Castle. They were to be confined to turrets, and as if the turret of a Scotch castle would afford too much latitude, they were to be shut up in wooden cages, cross-barred and secured with iron-work.[8] Under no circumstances were the unfortunate ladies to be allowed to leave their cells, or to hold

[1] Menteith was Allan Stewart or Menteith; Strathearn was Malise III; *Complete Peerage*.

[2] See *Fœdera*, I 994; Palgrave, 353.

[3] "Qui soient bien d'age, et nyent gayes."

[4] Palgrave, 357; *Fœdera*, I 995.

[5] Hemingb. II 250.

[6] The Earl had given his sons as hostages when Bruce rose; id.

[7] Threepence a day for board, and 13*s.* 4*d.* a year for dress was allowed to each of them; Cal. Pat. R. IV 503.

[8] "Kages de fort latiz de fuist, et barrez et bien efforcez de fermements"; Palgrave, sup.

any communication except with the women appointed to wait on them, and they were to be English.[1]

The Forfeited Estates.

In dealing with the vast estates brought in by forfeiture a very politic course was adopted. Instead of keeping them 'in hand' for the benefit of the Royal fisc, Edward distributed them among Englishmen, as military colonists, to form the nucleus of a loyal settlement, and at any rate a standing difficulty in the way of future risings. The Earl of Hereford received Annandale; Ralph of Monthermer had the Earldom of Atholl; John of Hastings that of Menteith; Henry Percy that of Carrick, and so forth.[2]

The Prince and Peter Gaveston.

The Prince and his gay companions had distinguished themselves by their cruelty; but they soon got sick of the work. On the 18th October we find the King issuing writs for the arrest of Gaveston and some twenty young men of rank, who had gone home without leave. Most of these were pardoned at the Queen's intercession; but Peter was solemnly sworn on the Eucharist (*le cors Dieu*), and the cross of St. Neot, not to return to England till the King gave him leave; while the Prince in like manner was bound down not to recall or receive "Monsire Pieres" without his father's consent. On the other hand, Edward very handsomely allowed Gaveston a pension of 100 marks a year (£66 13*s.* 4*d.*)—exactly the Treasurer's salary—to be drawn from the Gascon revenues, so long as he kept out of England (26 February, 1307).[3]

LINES ON GAVESTON'S CONCEIT.

"Que altre tient en despite
Bien sauyz de ceo quil dit
Car fortune fait abesser
Que ja ne quide a ceo venir." [4]

The King himself had taken no part in the campaign. In distinctly failing health, he took leave of Westminster on the 9th June, and, travelling by easy stages in a horse litter, reached Carlisle on the 20th August. After sundry peregrinations along the Border, he eventually settled down at Lanercost Priory in October, there to remain till the beginning of March (1307).[5]

[1] As the cages were to be within turrets (*tourelles*) the Countess of Buchan cannot have been exhibited to the people as stated by the Westminster writer. Mary Bruce was exchanged in 1310; the Countess of Buchan was relieved of her cage in that year, and finally set free in 1313. The other ladies gained their liberty after the battle of Bannockburn; *Fœdera*, II 105, 209, 255.

[2] See Palgrave, *Docts.* I 301–318; a list of 100 estates given away; Hemingb. II 250; Bain, *Calendar*, II 476.

[3] See *Parly. Writs*, I 379, 380; *Fœdera*, I 1010; Foss, *Judges*, III 114.

[4] Knighton, I 406 (Rolls Series, No. 92).

[5] *Itinerary*; "Parvis dietis vectus in lecto supra dorsa equorum"; Chron. Lanercost, 205. On the 11th September the King speaks of himself as having been ill but recovering; *Fœdera*, I 999.

CHAPTER XXXIII

EDWARD I (*continued*)

A.D. 1306–1307.

Papal Exactions—Demand for First Fruits of Ecclesiastical Benefices—Parliament of Carlisle—Fresh Rising in Scotland—Action under Loudun Hill—Death of Edward I—His Appearance—Character and Government—Legislation—Administrative Changes—Literature and Art—Financial Review.

EDWARD was not long of finding what a dangerous game he had been playing in applying for Papal aid in his dealings with his subjects. Concurrently with the delivery of the Bulls relieving the King from his oath to the Forest Charter, and suspending Winchelsey, appeared a Papal agent, one William Testa, commissioned to take charge of the spiritual and temporal administration of the vacant Province; and also to demand for three years the first fruits of all vacant benefices,[1] an unheard-of claim. Winchelsey's Dean of Arches was superseded, and a Commissary-General appointed in his stead; while by an ingenious manœuvre the temporal administration was committed to the Treasurer, Bishop Langton. But Edward was not to be taken in by such a trick. He declared indignantly that he would not tolerate the appointment by the Pope of the Bishop, or of any one else, 'clerk or lay, native or alien,' to interfere with temporal matters in his Kingdom.

Papal Intervention.

The demand for first fruits met with equal resistance. At Merton, where there was a vacancy, the canons refused to allow payment to be made.[2]

But Edward was not in a position to act up to his brave words. He owed some fifteen years of the Papal rent;[3] and was pressing for two more years of the Crusade Tenths.[4] On the 27th August Clement wrote to complain of the resistance to the first fruits offered at Merton.[5] It was clear that if

The King submits.

[1] *Fœdera*, I 997. Testa had been in England in 1305, and "had spied out the land"; id. 973.

[2] Ann. Lond. cvii 147; where Bishop Stubbs cites Somner, 31, 33, and Prynne, Records, III 1095, 1098.

[3] *Fœdera*, II 96–98.

[4] 2 July; *Fœdera*, I 989.

[5] Id. 997.

the Pope was to keep Winchelsey chained up "it must be made worth his while." On the 11th September Edward wrote conceding all the temporal profits of Canterbury during the vacancy, including the collation to benefices falling vacant.[1]

The doings of Master Testa provoked a storm in "the famous Parliament" that met at Carlisle on the 20th January, 1307, the last Parliament of the reign.[2] A solemn remonstrance was addressed to the Pope, in the name of the clergy and people of England, protesting against the old abuse of Provisions for the benefit of alien and non-resident clergy, whereby native patrons were deprived of their rights, and the intentions of pious founders frustrated; they also protested against the novel and 'unheard of' (*inauditum*) demand for first fruits, with sundry other malpractices, such as the irregular levy of Peter's Pence; appropriation of legacies bequeathed for relief to Holy Land, and 'indistinct' legacies; imposition of fines for defaults in contracts, or promises, concerning aid for Holy Land, and the like; ending with a humble but rather imperative request for the removal of these 'intolerable oppressions.'[3] This petition was followed up by one to the King, presented in the name of the earls, barons and whole community (*communauté*) of the land, rehearsing the abuses complained of by the clergy in greater detail; praying for legislation against the same; and specially bringing the malpractices complained of home to Master Testa. Brought before Parliament, and taxed with his proceedings, he could only plead the authority of the Pope. He was forbidden to proceed with his exactions, and ordered to deliver up all money collected by him, to abide the decision of King and Parliament. Writs also were issued to the sheriffs, requiring them to take bail of all his agents for their appearance before the King on the 28th May.[4] Finally the Act of 1305 forbidding the remittance of money from England to foreign Chapters was confirmed and published.[5]

Parliament protests.

Papal Nuncio at the Bar.

So far all looked well. But before the close of the session a Cardinal appeared at Carlisle,[6] Peter of Spain, commissioned by the Pope to negotiate a general peace, and to smooth over difficulties in the way of the marriage of the Prince of Wales, Philip refusing to make good the stipulated reddition of the

A Cardinal at Court.

[1] *Fœdera*, I 999. On the whole episode see Bishop Stubbs, sup.

[2] *Parly. Writs*, I 181. Bishop W. Langton and the Earl of Lincoln were directed to open the session in the King's absence; *Fœdera*, 1008.

[3] Rot. Parl. I 207, 208. The total amount of Peter's Pence in 1192 was 299 marks, (£199 6*s.* 8*d.*); *Liber Censualis Eccl. Rom.* Liebermann; *Eng. Hist. Rev.* XI 745.

[4] 22 March, Rot. Parl. I 219–222.

[5] Statute of Carlisle; Rot. Parl. I 217; Statutes, I 150–152.

[6] 12 March; Lanercost, 206; *Itinerary*. Edward came to Carlisle the same day.

Castle of Mauléon-Soule in the Pyrenees.[1] The Cardinal soon got round the King, and succeeded in extorting from him a series of important writs; namely, first, one re-investing Testa and a colleague as Administrators of Canterbury;[2] next, one authorizing them to exercise their office as Papal Nuncios, in all matters rightly appertaining to the Holy See, notwithstanding any prior prohibition issued by the King; and, thirdly, one empowering them 'so far as in him lay' to levy first fruits.[3]

When the 28th May came, Testa and his agents appeared at Westminster, not as culprits to answer for their doings, but as remonstrants, with the King's writs in their hands, to complain of opposition offered to them in the lawful discharge of their offices. But the Council pointed out to them that the King had not attempted to override the prohibitions of Parliament; and that they must not proceed with exactions prejudicial both to King and people. Edward accepted this interpretation of his writs, and issued a final order to the same effect (27 June). Before any further step could be taken by the Nuncio or the Pope, the King had been gathered to his fathers.[4]

But Edward was not allowed to soothe his last hours with the reflexion that he had finally quelled the Scots. Before the winter was well out Bruce and his men were again on the move. On the 9th February, 1307, Thomas and Alexander Bruce, with Reginald Crawford and Malcolm Macculian, or MacKail, of Kintyre sailed up Loch Ryan, with forces recruited in Ireland and Kintyre. Dugald Macdowal, the head of an old Galloway clan in the Comyn interest, met them as they landed, and utterly discomfited them. Most of the band were slain. The two Bruces (Robert's brothers) were sent alive to Carlisle and there hung (17 February).[5] Alexander Bruce was a graduate of the University of Cambridge, a distinguished scholar, in Holy Orders, and Dean of Glasgow. But under the circumstances no benefit of clergy could be allowed.

The Bruces "up" again.

> "Of Sir Alisandere that me rewes sore
> Of Arte he had the maistrie; he made coruen[6] King

[1] *Fœdera*, I 988, 1005; Hemingb. II 252, 253; Trevet, 412. For an embassy to the Pope in 1300, pressing for the full execution of the treaty, see *Fœdera*, I 920; and for the report of the envoys, *Eng. Hist. Rev.* XVII, 518; J. G. Black.

[2] 26 March; *Fœdera*, I 1012. The King had availed himself of the authority of Parliament to oust Testa.

[3] 4 April; *Fœdera*, I 1014; Rot. Parl. I 222.

[4] Rot. Parl. 223; also Bishop Stubbs, sup.; Hemingb. II 242, 254–264.

[5] Lanercost, 205; Hemingb. II 252; Langtoft, II 375; Westm. III 136; Palgrave, *Docts.* I 309, 318. A few days later John Wallace, elder brother of William, was taken in arms, brought to Carlisle, and executed there; Lanercost, 107.

[6] Cut, cropped, shaven.

> In Cantebridge to the clergie or his brother was King.
> Sithen was never non of arte so that sped,
> Ne bifore bot on, that in Cambridge red." [1]

Meanwhile, King Robert, leaving his shelter in Rathryn, and using the friendly soil of Kintyre as a stepping-stone, had effected a landing in Arran, as a basis again for an attack on Carrick. Crossing the Clyde by night, he made an attempt on Turnberry Castle, where Henry Percy, the new lord of Carrick, was established. A certain number of men, surprised outside the castle, were put to the sword; but Bruce was not strong enough to maintain a siege, and the prompt despatch of troops from Carlisle soon drove him to the hilly parts of Carrick.[2]

Robert's Movements.

The next thing that we hear of is a maiden feat of arms by James Douglas, now head of the family through the death of his father William, who had passed away a prisoner in the Tower.[3] James had distinguished himself as a faithful "Squire of Dames" to Bruce's Queen and her party in their wanderings, when they had often been dependent for their maintenance on his skill in hunting and fishing.[4] We are told that his righteous soul chafed at the sight of an English garrison established in Castle Douglas. Making his way into the district with only two attendants, he found willing hands; and, by their advice, arranged for an attack on the garrison for "the third day," namely Palm Sunday (19 March). The plan succeeded. While the garrison, said to be thirty men strong, were attending Mass in St. Bride's Church, the war-cry "Douglas!" "Douglas!" was raised from behind, and the Scots were upon them. The English held the chancel "full sturdely"; but the "worschip and the micht" of the natives prevailed. Half of the garrison were left dead or dying on the floor; the rest were carried off as prisoners. The castle was taken immediately,—there were only two men to defend it. But Douglas could not venture to abide a siege; the place had to be dismantled. All the provisions were piled up in the cellar; the wine butts were started; the prisoners beheaded on the foul heap; and the entire castle given to the flames. The "savage hecatomb" gained the name of the "Douglas Larder." [5]

"The Douglas Larder."

[1] R. Brunne, II 337; Langtoft, II 374. The former writer tells us that he studied at Cambridge with Bruce. The Bruces went to Cambridge, the Balliols to Oxford.

[2] Barbour, 88–106; Hemingb. II 251; Trevet, 410. The last two place the incident in 1306; but I think that Barbour must be right in placing it in 1307. Troops called out to resist Bruce were already deserting by the 18th February; *Parly. Writs*, I 379.

[3] Before January, 1299; Bain, *Calendar*, II 269; Barbour, 17, 18.

[4] Id. 46.

[5] 19 March; Barbour, 111–118.

" All the vittale outakin [1] salt,
As quhet and flour and mele and malt,
In the wyn sellar gert he bring
And sammyn on the flur all fling.
And the presoneris that he had tane
Richt tharin gert he hed [2] ilkane,
Syn of the tunnis the hedis outstrak ;
Ane foul mellé thar can he mak,
For mele and malt and blud and wyn
Ran all togidder in a mellyn
That was unsemely for to se ;
Tharfor the men of that çuntre,
Callit it ' The Douglas lardener.' "

For some weeks we only hear of Bruce as being hunted from one hiding-place to another in Carrick and Galloway. On one occasion a favourite bloodhound was used to track his footsteps. He baffled the animal by ' washing his trail ' in water, as the Red Indians say. Eventually, however, the English authorities, having abandoned the pursuit, Robert was able to leave ' the woods and the mountains ' and to come down to the plains, where he was received with general submission, in Kyle and Cunningham (Mid and N. Ayrshire). Being quartered at Galston on the river Irvine, he received a challenge in knightly fashion from Aylmer of Valence for a meeting in arms on the 10th May. Bruce accepted the offer, but like a prudent general he took care to choose his own ground, He posted his men on a roadway across a " fair evin feld," at the foot of Loudun Hill ; on either side he had a morass at the distance of a " bowdraucht," say 200 yards off. But as this width of front would give the English cavalry too much room to act in, he narrowed it by drawing three parallel lines of " dykes," or walls of turf or loose stone, on either hand, between the ' mosses ' and the roadway, so as to leave no greater gap than he could hold with his modest force of infantry. These tactics proved successful. The English charged in two successive lines, to be both times repulsed, but without serious loss, Aylmer being able to fall back in good order on Bothwell.[3] Three days later Bruce gained a more decided victory over Monthermer, the titular Earl of Gloucester, near Ayr, driving him into the castle.[4]

A First Success in the Field.

Edward now began to see that his lieutenants, if left without support, would find Bruce and his " disherited " lairds too much for them. The new system of severe treatment had proved as ineffectual as the milder measures of former years.[5] The Prince of Wales had gone South to prepare for his wedding.[6] The King resolved once more to

[1] Excepting.
[2] Behead, or knock on the head.
[3] 10 May ; Barbour, 178–186 ; Hemingb. II 265 ; Trevet, 413.
[4] Hemingb. and Trevet, sup.
[5] So Lanercost, 207 ; W. Hemingb. sup.
[6] *Fœdera*, I 1012.

take the field in person. He called for a muster of troops for the 8th July, and hung up his litter in Carlisle cathedral.[1] On Monday, the 3rd July, he mounted his war horse, and accomplished two miles on the way to Bowness, his health not allowing him to leave his bed till the afternoon; the next day he rode on another mile or two. Wednesday he rested, and on Thursday he struggled on to Burgh-on-the-Sands. There he expired on Friday, the 7th July, as his attendants were raising him in bed to partake of food.[2]

Death of Edward I.

It was said that his last wishes were that his heart should be sent to Palestine, and that his bones should not be laid in the grave till Scotland was subdued.[3] Neither wife nor child was present to close his eyes in death; but the Queen with her household had been with him at Lanercost since September. Young Edward did not reach Carlisle till the 18th July; on the next day he went to pay his respects to his father's remains, which were still at Burgh; the fact of his death having been carefully kept secret.[4]

On the 20th July Edward of Carnarvon received the homages of the magnates assembled for the expedition to Scotland, and was proclaimed King. His father's corpse having been brought to Carlisle, he accompanied the funeral procession for a few stages on its way Southwards to Westminster, returning to Carlisle by the 31st of the month for the expedition to Scotland.

Edward II.

On the 4th August the remains reached Waltham Abbey, under the fitting care of the late King's best servant, Anthony Beck, Bishop of Durham and Patriarch of Jerusalem. At Waltham the corpse remained till the 27th October, when it was entombed in Westminster Abbey, on the North side of the Confessor's shrine,[5] between the resting-places of his father and his brother. A plain slab of black Purbeck marble, with traces of gilding, resting on a base of Caen stone, marks the spot. It bears the inscription, "Edwardus Primus Scotorum Malleus hic est MCCCVLIII. Pactum Serva"—where the wrong year betrays the late date of the epitaph. A further damning fact has been pointed out in the circumstance that the same lettering appears on the four several inscriptions on the sepulchres of the Confessor, of Henry III, Edward I and Henry V.

Obsequies of late King.

[1] Trevet, 413 (Merton MS.).

[2] W. Hemingb. II 266; *Fœdera*, I 1018, etc.

[3] M. Westm, 458 (Ed. 1601); Trevet, sup.; Adam of Murimuth, p. 9 (Ed. 1609), and the ballad, *Pol. Songs*, 247.

[4] Lanercost, 206, 207. At Westminster the King's death was not known for a fact till the 25th July, writs of course being still sealed in his name; *Fœdera*, I 1018.

[5] Lanercost, 207; Westm. III 137, 138; Rishang. 423, 424; Hemingb. II 267, 268; who, however, gives the day of the entombment as Friday, 27 October.

The bare unlettered slab seems a reflection on the King's graceless son. But it has been suggested that the tomb may have been left in that state out of regard for Edward's dying wishes, and to enable it to be opened for the renewal of the wax on the cerecloth, a practice performed every two years down to the end of the reign of Richard II.[1]

His Personal Appearance and Character.

Tall, spare, broad-chested, wide-browed, erect as a palm, and, almost to the last, light-footed as a youth,[2] Edward stands up physically and morally a grand specimen of a man and a king. "A King; aye, every inch a King." Not that either the outer or the inner man was wholly unblemished. The bodily presence must have suffered from a drooping eyelid, and stuttering speech, defects inherited from his father, almost the only traceable points of resemblance between the two;[3] while his spirit must be pronounced too grasping to be wholly noble. He was essentially an autocrat, one conscious of his fitness to rule, anxious to rule well, but determined to rule. His exalted ideas of Kingship were doubtless borrowed from the court of the Sainted Louis. On the other hand he appreciated the value of popular institutions, but always in subordination to his own will. His natural impulses lean towards justice and truth. He is forgiving to an enemy who submits, but he cannot forgive the man who gets the better of him. A man of war, but not a shedder of blood, Edward was "reverent of duty" and religious.[4] From his piety England derives her custom of national prayer in times of stress or anxiety.[5] His habits were frugal, economical, and industrious; his domestic life was a model of purity and affection. Yet even in his care for his children the spirit of the politician oozes out. From the first year of his reign to the last we find him busy arranging political alliances for his infant sons and daughters. With practical talents of a high order he cared little for literature or art, nor can we trace in him any perception of humour. Thoroughly free from

[1] See Stanley's *Memorials of Westminster*, 129, 130.

[2] Trevet, 281; "Ut palma erectus, in ascendendo equum vel excurrendo levitatem adolescentis continuavit"; Rochester Chron. MS. Cott. Nero D. II f. 199; Pauli. Edward's tomb was opened in 1771, and the corpse was found to represent 6 feet 2 inches in height; Stanley, *Memorials of Westm.* 144. See also Hemingb. II 1.

[3] "Sinistri oculi palpebra demissior paterni adspectus similitudinem exprimebat; lingua blœsa cui tamen efficax facundia . . . non defuit"; Trevet, sup.

[4] Green, *Histy. Engl. People*, 175.

[5] Public prayers were ordered in 1294 for the success of the negotiations with France, in 1295 for the war in Gascony, in 1297 for the King's expedition to Flanders, so for his health in his last year, etc., etc.; *Fœdera*, I 796, 834, 872, etc. We shall find the practice continued under his son and grandson.

favouritism and caprice, Edward was the best of masters to his servants, even when they allowed matters to miscarry in their hands. Legal-minded to a fault, he could take a somewhat extended view of what was due to himself, and a somewhat contracted view of what was due to others. The motto inscribed on his tomb by a later age : [1] "*Pactum Serva*," 'Keep your word,' was not one that could honestly be claimed on his behalf. We cannot describe him as one "who sweareth to his neighbour and disappointeth him not ; yea, though it were to his own hindrance." Where his interests required it he could be content to keep his word "in the spirit of a peddling Attorney." As we have seen, he could disown the most solemn engagements, and if that did not suffice, he could even stoop to falsification of documents. Equivocation and chicane were his worst faults, the faults of a man bent on having his own way, yet anxious at the same time to find justification for all that he does. To Edward the maintenance of his prerogative was the first of duties. No churchman was ever more jealous of the rights of his order than Edward was of his. The opposition of Archbishop Winchelsey seemed to him "little better than treason." In his day no final judgment was ever entered up for a subject in a suit with the Crown. Whatever the finding of the jury the King's right to implead again for the same matter must be reserved.[2]

"Chivalry."

Among other French ideas Edward had imbibed that of 'chivalry,' "with its picturesque mimicry of high sentiment, and its frivolous false romance.[3] This sentiment with his military tastes made him the first of English Kings to sanction tournaments.[4] Even Stephen in his Anarchy would not tolerate them.

His Good Government.

French as he was in his speech,[5] his ideas and his tastes, to his own subjects Edward still was an Englishman. They were proud of his European reputation ; they boasted of his achievements as a warrior, a politician, and a legislator.

[1] Dean Stanley has proved that this inscription was added in the 16th century. See *Memorials Westm. Abbey*, 130.

[2] See the common form in the Placita Quo Warranto, *passim*. "Salvo jure Regis cum eo inde loqui cum voluerit."

[3] Green, sup. 178.

[4] The reader will remember the 'Little Battle of Chalons,' in which Edward fought ; also the grand tournament at Nefyn in 1284, at the close of the Welsh war. In 1279 he had assisted at a Round Table at Kenilworth given by Roger Mortimer ; Wykes, 281 ; Dunstable, 281. At Oxford and Cambridge, however, tournaments were forbidden, very properly ; *Fœdera*, I 977, 979.

[5] Not a word of spoken English seems to have been recorded of Edward. All his correspondence was in French ; his letters to the Pope had to be turned into Latin for him ; *Fœdera*, I 1006.

"Jerusalem thou hast i-lore (*lost*)
The flour of al chivalerie
Now Kyng Edward liveth na more." [1]

Above all they recognized his determination to give them the primary and indispensable blessing of 'good peace.'

"Dum viguit rex et valuit tua magna potestas
Fraus latuit, pax magna fuit, regnavit honestas." [2]

These were the eulogies of well-to-do, courtly monks; and no doubt they were fully deserved. But there was another side to the picture too. If we listen to the voice of a more general public, uttered in ballad song, Latin, French and English by turns, we shall hear loud complaints of the oppressions of the Magnates; of the insolence of their households; of worldly supine prelates; [3] of venal judges; [4] these charges receiving a most quaint indirect confirmation from the counter-complaint of the Trail-baston Outlaw, the poor old discharged soldier, who denounces the evil-minded juries, who had taxed him with robbery, and interfered with his peaceful riding.

Crime and Distress nevertheless prevalent.

"Les riches sunt à ransoun povres à escolage (*school*, i.e. *gaol*)." (5)

It stands to reason that the pressure of the taxation necessitated by Edward's constant wars, the seizure of wool, provisions and *matériel*, the impressment of men, must have been severely felt and most unpopular. Accordingly we find these proceedings vigorously denounced, one especial aggravation being the exemption of the rich, i.e. the demesne lands of the lords of franchises, which apparently were not liable to direct taxation, at any rate to the same extent as other lands.

"Depus que le roy vodera tam multum cepisse
Entre les riches si purra satis invenisse;
E plus, à ce que m'est avys, et melius fecisse
Des grantz partie aver pris, et parvis pepercisse." [6]

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[1] Wright, *Pol. Songs*, 249. "Flos et decus militiæ totius mundi"; Westm. III 137. "In omnibus strenuus et illustris . . . non relinquens sibi similem in sapientia et audacia inter principes Christianos"; Lanercost, 207; so, too, Rishang. 411. "Meruit amari in præsenti et in futuris temporibus benedici"; Worcester, 536. See also for the popularity of the Welsh and Scottish wars the ballads, *Pol. Songs*, 160, 180, 212.

[2] Westm. 138.

[3] See the 'Song of the Times,' *Pol. Songs*. "Pax subpeditatur"; "silendo sustinent improbi prælati"; 133, 134. Also the 'Song Against the Retinues of Great People,' 237.

[4] Id. 134, 195, and especially 224.

[5] Id. 231, 235.
Song Against the King's Taxes'; id. 182, 184.

We may also notice the condemnation of expeditions over sea,[1] as contrasted with the Welsh and Scottish wars that were distinctly popular. [2]

But the most realistic and dismal picture presented is that of the Husbandman, the actual cultivator of the soil, the poor harmless ass, torn to pieces by King, landlord and priest, stigmatized as Lion, Wolf and Fox.[3] Again, speaking for himself, the ploughman tells us how hard he is pressed on all sides. The hayward, the woodward, the bailiff, the beadle, each takes his toll.

> "And ever the furthe (*fourth*) peni mot (*must*) to the Kynge."

To satisfy the inexorable demands of the "green wax" [4] the corn must be cut green; the mare sent to the "chepyng" (*market-town*).

> "To seche silver to the Kyng y mi seed solde,
> Forthi mi lond leye lith (*fallow*) ant leorneth to slepe.
> . . . . .
> Whose hath eny god hopeth he nout to holde;
> Bote ever the levest (*liefest, dearest*) we leoseth a-last." [5]

For the prevalence of crime the most telling evidence is that of the Patent Rolls. The reader has heard of the appalling lists of outlaws pardoned in consideration of military service.[6] In addition to these we have daily records of murders, robberies, rescue of convicted felons, men hung without legal trial, house-breaking, wreckage, mutilation, noses and ears cut off in quarrels, and the like. But the King's Court is open to all complaints. That is the redeeming feature of the situation. On the other hand, few at the present day can have any idea of the shackles in which the population was kept by the Royal prerogative. If a tenant-in-chief wanted to sell a bit of land, or to marry, or if his widow wanted to marry again, a licence was needed; if a man having estates in Ireland wanted to visit his property there, a safe-conduct was requisite, and if he wished to appoint some one to look after his interests at home, letters of attorney had to be obtained.

We have followed Edward so faithfully on his war-path, that we must not omit to recapitulate his works of peace. His legislation dealt with every question affecting the life of the times, leaving little for the next two centuries to supplement.

Legislation.

[1] Song, sup. 182. [2] See the Songs, 160, 180, 212.

[3] See the Song, 195, 197.

[4] The estreats (extracts) of the Exchequer, as they were called, or writs for enforcing payment of Crown dues, were sealed with green wax.

[5] Id. 149.

[6] See Cal. Pat. R. IV. 166 etc., sixteen pages, with at least 400 names; and again p. 248, nine pages full—A.D. 1303, 4.

Quia Emptores and *De Donis* [1] have been the bases of our Real Property law to the present day. In the Mortmain Act we had the first attempt to check the acquisition of landed property by the clergy; in the Statute of Winchester a consolidation of the regulations touching Watch and Ward and the Assize of Arms, i.e. national defence and police. From the passing of that Act (1285) we may date the institution of Conservators of the Peace as a permanent office. The forms of procedure laid down by Edward for litigation on various subjects remain in many cases substantially unaltered, justifying the somewhat ambitious title of the "English Justinian" long since given to him.[2] To Edward also we owe the institution of the Year Books, authorized reports of legal cases decided; and the appointment of a Master of the Rolls, specially deputed to take charge of public documents and accounts.[3]

Edward was especially great as an organizer. "Every department of administration felt his guiding and defining hand." [4] He was the undoubted founder of our Parliamentary constitution, comprising originally lords spiritual and temporal, and representatives of the lower clergy and commons. But the exclusive tendencies of the priesthood led them soon to refuse to attend Parliament under the *præmunientes* clause,[5] insisting upon voting their supplies in their separate assemblies of Convocation, thus leaving their political interests under the charge of the prelates.

Organization.

The status of the lay barons underwent a silent and important modification in this reign. Hitherto the right to a seat in the national Council had been held an incident of tenure—"tenure in barony." The holders of certain estates, either by Royal grant, or by ancient custom implying an original grant, were held entitled to special distinctions; among which was the right to receive a personal summons to the Council and the host. Edward established the rule, first that none were entitled to attend unless specially summoned; and, secondly, to all appearance, that all whom he chose to summon were entitled to appear, whether they were in possession of baronial estates or not. Thus "barony by tenure" was replaced by "barony by writ"; the recipients transmitting to their heirs a hereditary right to the reception of like summonses; [6]

Change in Baronial Tenure.

[1] See above, 356, 368.

[2] See Foss, *Judges*, III 4. Of Edward's Ministers the learned writer thinks Bishop Burnel entitled to most credit for collaboration, as during his chancellorship "the most important amendments were introduced."

[3] "Custos Rotulorum"; Foss, *Judges*, III 12.

[4] Stubbs, *Const. H.* II 165.

[5] See *Parly. Writs*, I 19, and above, 418.

[6] On the whole question see Bishop Stubbs, *Const. H.* II 211–214. He remarks that the change was so important that Edward might be said to have "created the House of Lords as much as he created the House of Commons."

the whole representing an anomalous, and entirely English, working compromise between hereditary claims on the one side, and Royal prerogative on the other side; the Crown apparently claiming the abstract right of nominating the peers, and being allowed to do so, on condition of not leaving out any who had usually been summoned theretofore, and whom, in fact, it would not be prudent to omit. The policy of keeping down the feudal element here comes out very clearly.

Barony by Writ.

The separation of the Courts of King's Bench, Common Pleas, and Exchequer, effected under Henry III, was now finally established by a more precise definition of the jurisdiction of each, and the appropriation of judges with Chief Justices to the two former. The series of Chief Barons of the Exchequer dates from the following reign. Throughout the reign the Court of Common Pleas was held at Westminster in accordance with the requirement of Magna Carta, that it should sit "*in aliquo certo loco.*" [1] The Court of King's Bench were frequently moved, as we have seen, to Shrewsbury, during the Welsh war, and to York during the wars in the North; but usually the Exchequer was kept at Westminster.

The Lay Courts.

Again, the functions and authority of the itinerant justices, with the times for holding their rounds, were finally reduced to rule by Edward. Before his time their eyres had been held at varying and irregular intervals; their functions, too, varying with the terms of the commissions under which they held office, some having wider jurisdiction than others. But fiscal work, the collection of Crown dues, the assessment of tallages, and the amercing of counties, hundreds and townships for miscarriages of justice, contempt of Royal orders, or the like, always figured among their duties, thus accounting for the general dread with which their visitations were viewed. In 1285, by the Statute of Westminster the Second, "two justices were to be assigned before whom in conjunction with one or two knights of the shire all assizes of mort d'ancestor, novel disseisin, and attaints were to be taken thrice a year, in July, September and January." In 1293 the kingdom was divided into four circuits, to each of which two justices were assigned; while in 1299 these justices were directed to act as justices of gaol delivery, thus becoming endowed with full criminal jurisdiction. But special commissions for trial of criminal offences were constantly being issued on the application of the parties aggrieved.[2]

Justices in Eyre.

[1] Foss, III 16; Stubbs, II 279.

[2] For these see the Patent Rolls, *passim*, also Bishop Stubbs, sup. 282-285. "The commission of oyer and terminer dates from the 2nd of Edward III; and the commission of the peace completed the five several authorities possessed by the judges on circuit."

Ecclesiastical Courts.

The settlement of the circuits was an easy matter. A much more prickly business was the definition of the jurisdiction and powers of the Ecclesiastical Courts, but for that, too, we have to thank Edward, as we have seen.

Military System.

The military system of the reign has already been pretty fully illustrated. We have seen how the old feudal assessments, the *feoda militum*, or knight's fees for which the tenants in chivalry were liable, either for service in the field or scutage in commutation for service, had sunk. Of the 6,000 or 7,000 fees traceable under Henry II, just 1,530 remained available by the end of the reign, as the Aid for marrying the King's daughter at £2 the fee yielded just £3,061 5*s.* 10*d.*[1] In the matter of money payments Edward could redress the balance by arbitrarily raising the amount payable. For men he had recourse to impressment, calling out levies *ad libitum*, presumably of men enrolled under the regulations of Watch and Ward, and the Assizes of arms, the men receiving pay from the King at rates corresponding to what they might be expected to earn at home. Edward was able to employ these levies, not only in his Welsh and Scottish wars, but even in Gascony. But the service was very unpopular, and the King's operations in Scotland, as we have seen, were much hampered by wholesale desertion. The stress to which he was put for men is shown by the employment of outlaws. We have already given the organization of the levies by twenties and hundreds.[2]

Service over-sea.

In the case of men called out for defence of the coasts against foreign invasion, as in 1295 and 1296, the burden of maintaining them was thrown on the land-owners, who were rated for their support.[3] With respect to service over-sea the tenants in chivalry, as we have seen, took up the position started by St. Hugh of Lincoln in 1197, that they were not liable; we have also seen that Edward was forced to acquiesce in their contention that they could only be asked to go as a favour, or in personal attendance on the King.

Distraint of Knighthood.

Connected with the military system was the practice of 'Distraining for Knighthood,' or compelling men to be knighted. It appears that tenants in capite holding a certain amount of land by military tenure were compellable to take knighthood; the purpose of the rule being doubtless to keep up the numbers of the heavy-armed cavalry of the highest class, on the principle of the

[1] Enrolled Customs Accounts, Edward I. The Bishop of Lincoln, who used to account for 60 fees, now only accounts for five; the Bishop of Bath, who used to account for 20 fees, now accounts for two, and so on. See Liber Niger Scacc. 86, 260 (Hearne), comparing *Parly. Writs*, I 197, 228; Pauli, II 654.

[2] See above, 321.

[3] *Parly. Writs*, I 268, 272, 274; Cotton, 312.

Assizes of Arms. But men evaded it on account of the expense of the ceremony. Measures to enforce the liability had been taken under Henry III as early as the year 1224.[1] Edward I was very strict in the matter, turning it to account as a petty financial expedient, taking fines from men for exemption or delay; "*Pro respectu militiæ.*" He further exacted knighthood from all who owned land to the value of £20 a year, whether tenants-in-chief or mesne tenants, whether holding in chivalry or not.[2] "In 1285 owners of less than £100 per annum are excused; in 1292 all holding £40 a year in fee are to be distrained."[3]

With Edward the love of field sports was a perfect passion. Stag-hunting was his favourite pursuit; and his practice was to despatch the quarry at bay with a sword, not with the usual hunting spear. Two hundred deer were said to have fallen in one mighty hunt in Inglewood.[4] On the other hand he seems to have taken little interest in books or reading. In the year 1296 the Royal Library comprised just three books: a chronicle; "Le Roman de Guillaume le Conquerant"; and Paladius Rutilius on Agriculture. Two years later four more books were acquired: an antiphonar; the History of Tancred the Crusader, with two devotional works. The Prince was sixteen years old before even a Primer was bought for him.[5] The King's deficiencies in this respect must be connected with his devotion to country life and his hatred of cities.

Edward, however, was not without regard for education. He was a good friend to both Universities. It was by his invitation that Francesco d'Accorso, the chief teacher of Civil Law at Bologna, and "son of the great Accursi, the writer of the glosses on the Civil Law," came to England, and was settled at Oxford with a pension from the King.[6] D'Accorso had been introduced to Edward when the latter was on his way home from Palestine. He attended some of Edward's Parliaments, was employed by him on embassies, and may have been consulted by him in some of his legislation. Would that the King had imbibed more of the principles of the Roman Law than he did! In 1275 he confirmed the jurisdiction in civil cases to which a scholar was a party, conferred on the Chancellor of the University of Oxford by his father; specially extending it in 1286 to suits with Jews.[7] The privilege in

The Universities.

[1] Rot. Claus. II 29, cited Stubbs.

[2] See the Writ for Distraint of Knighthood; *Select Charters*, 446, A.D. 1278. Also *Parly. Writs*, I 214.

[3] Bishop Stubbs, *Const. Hist.* II 294, q.v. for the whole subject.

[4] Trevet, 282; Lanercost, 106.

[5] Green, *Princesses*, II 284, from the Wardrobe Accounts; Pauli.

[6] In 1276 a house was found for d'Accorso at Oxford. See *Fœdera*, I 511, 512, 524; Stubbs, *Const. H.* II 111.

[7] J. F. Willard, sup. 16; Cal. Pat. R. III 336.

criminal cases was finally granted in 1290. At Cambridge the development of the judicial power was slower: the first instalment of criminal jurisdiction had been granted in 1268; it was recognized by Edward, but was not carried to its full extent till 1383. The jurisdiction in civil cases, to the same extent as that enjoyed at Oxford, was granted in 1304 and 1305,[1] But it was not till 1318 that Cambridge obtained from Pope John XXII formal recognition as a *Studium Generale*, or University in our sense of the word.[2] In 1293 we find the King at Oxford, mediating between the University and the townspeople after a disturbance;[3] and, as we have seen, he refused to allow of tournaments either at Oxford or Cambridge, though elsewhere he had patronized them all his life. In 1274 he appealed to the prelates of England and Ireland for Indulgences for the benefit of a chauntry (*capellania*) to be founded in connexion with St. Mary's, Oxford, the University church.[4] Then, in 1280 we have the foundation of University Hall, the nucleus of the present University College, established with funds provided more than thirty years before by William of Durham, a man of scholarly attainments, who assigned 310 marks to buy rents for the maintenance of twelve Masters. The scheme, however, had lain dormant for all those years.[5] Balliol College followed in 1282, Merton dating from the previous reign.[6] At Cambridge we have the beginning of the college system in 1284, through the foundation by Hugh of Bolsham, Bishop of Ely, of Peterhouse, the oldest of Cambridge foundations.[7] The Statutes were based on those of Merton College, Oxford, the accepted model for similar institutions.

The English Language and Literature.

Of the English of the reign the reader has already had specimens. Neglected for Latin and French from about 1220 to 1280, the vernacular now re-appears as a literary language, with inspirations largely drawn from France. In itself considerable modifications appear. We have a considerable increase in the number of Romance words, changes in vowels and consonants, grammatical changes, and changes in the structure of the sentence. At the head of our list of noteworthy writings may be placed the great Romance of Havelok the Dane, otherwise Olaf Cuaran (about 1280), a translation from the French, with incidents taken from the life of Cnut.[8] Ten years

[1] Willard, 22, 24; Cal. Pat. R. IV 317; Rot. Parl. I 33.
[2] Bass-Mullinger, sup.
[3] Willard, 18.
[4] *Fœdera*, 519.
[5] Maxwell Lyte, *History of Oxford*.
[6] 7 January, 1264, above, 288.
[7] Bass-Mullinger, *Histy. of Cambridge Univy.* 228.
[8] Early English Text Socy. 1868, No. IV. The hero is spoken of as "Cuaran," so that the identity is clear.

later comes a South English Legendary ; [1] and again towards the year 1300, in quick succession, King Horn ; [2] an Early English Psalter ; [3] the metrical chronicle of Robert of Gloucester ; King Alisaunder ; [4] Lives of Thomas Beket,[5] St. Juliana,[6] and St. Brandan ; [7] and "The rizt put (pit) of Helle." [8] A concise and telling illustration of the growth of the language during the century will be found by simply comparing the titles of three several issues of one legend : "Marherete Seinte, the Meiden and Martyr" (about 1200) ; "Meiden Maregrete" (about 1258) ; and "Seinte Margarete" (about 1300).[9] Very interesting in their rugged simplicity are the popular ballads already cited ; but there is no "romance" in them, whether spelt with or without the capital R. On the other hand, in the Handlyng Sinne of Robert Manning of Brunne (1303) we have "a great drop of old Teutonic words," and a "foreshadowing of the future." This treatise, which denounces the lives of the men and women of the times, from the highest to the lowest,[10] is a translation from the "Manuel des Péchiez" of William Warburton, another writer of the period. Manning's Chronicle was issued twenty or thirty years later. For the Norman-French of the period we have the metrical chronicle of Peter Langtoft, from which Manning worked ; and the Assumpcioun de Notre Dame.[11] The Northumbrian French of the Scalacronica came fifty years later.

Architecture.

Of his father's fine taste in matters of art, Edward inherited a full share, as we may see by his Eleanor crosses, and the monuments in Westminster Abbey erected by him to his father, to Eleanor, and to his uncle William of Valence, all in their several styles perfect models. As a dutiful son he carried on his father's work at Westminster Abbey, and in strict accordance with the original plans. The five bays west of the crossing are the son's work. The junction with Henry's building is clearly perceptible in the middle of the first bay, the styles of the two sides of the clerestory windows differing slightly.[12] Edward's reign witnessed the transition from

[1] E.E.T.S. No. 87.
[2] Id. No. 14.
[3] T. Stevenson, Nos. XVI, XIX.
[4] Weber, *Metrical Romances*, Vol. I.
[5] Percy Socy. 1845.
[6] E.E.T.S. No. 51.
[7] Percy Socy. 1844.
[8] Historical Society of Science, London, 1841.
[9] E.E.T.S. all three in No. 13.
[10] Roxburgh Club, 1862. Compare *Pol. Songs*, 133, 153, 195.
[11] E.E.T.S., No.14. For the dating of the above productions see the list of authorities in Mr. H. Bradley's Ed. of Stratman's *Dictionary of Old English* ; for a study of the changes in the language during the 13th century, see T. L. Kington, *Old and Middle English.*
[12] G. G. Scott, *Gleanings from Westminster Abbey*, 24. The presence, however,

the Early English or First Pointed Style to the beautiful Decorated or Middle Pointed Style, doomed, alas, to be displaced all too soon by the tamer and less interesting Perpendicular Style. In matters of art English imagination has always required to be stimulated by foreign ideas. As a perfect specimen of the architecture of Edward's reign we may take the surviving crypt of St. Stephen's, Westminster,[1] a gem worthy to be placed alongside of the *Sainte Chapelle*; also the little central chapel of Christ Church Cathedral, Oxford, between the Latin chapel and the North aisle of the Transition church. The tower of St. Mary's, the University church, likewise dates from this reign. Among the other monuments of the same period we have at Lincoln, perhaps, the Presbytery or Angel Choir, at the East end of the Cathedral, and the cloisters; at Norwich the Gate of St. Ethelberht, rebuilt by the citizens as an atonement for the rioting of 1272;[2] at Salisbury the Chapter House; at Exeter the completion of the Lady Chapel; at Wells the Chapter House; at Hereford the Northern and Eastern Transepts; at Lichfield the grand West front and Lady Chapel, the latter a memorial of our friend, Bishop Walter Langton, the Treasurer. At Hereford the North and East transepts are of Edward's time. At York the rebuilding of the nave was begun by Archbishop John le Romayne (1291), but the work was not completed till 1345, the building of the Chapter House going on at the same time.[3]

The Decorated Style.

For an estimate of the Revenue of Edward I we get materials considerably fuller than those that we have had for earlier reigns. The Pell Rolls are fuller and more instructive, while we have the beginning of a regular series of Wardrobe Accounts, also with their totals given. But neither series is complete; and, still more provoking, it happens in several years that when the Pells for the year are complete, the Wardrobe Accounts are wanting, and *vice versa*. Still, there are twenty-one years when the Accounts are complete, and the total Revenue may seem *prima facie* to be shown, as will be seen by reference to our Table A appended to this chapter. It will be noticed that we only give Grand Totals for the years when both Pells and Wardrobe Accounts are forthcoming. In our review of the finances of Henry III's reign, we pointed out that there were in fact two Treasuries, the Exchequer and the Wardrobe; the latter partly supplied by drawings from the former, partly by direct receipts from receivers of different branches of the Revenue. In Henry III's reign we had

of the shields of the chief earls, including that of de Montfort as Earl of Leicester suggest that the lower courses of the building had been carried a good deal further west by the year 1258.

[1] Founded 1292; Ann. London, 100.

[2] Above, 278.

[3] See Murray's *Handbooks of the Cathedrals of England*.

also a Queen's Wardrobe to deal with, but we are relieved of that now, the Queen's expenditure figuring in the general Wardrobe Accounts. With respect to the latter, by deducting the Treasury drawings from the gross totals shown, we get the amount of the direct receipts, and these, together with the totals of the Pell Rolls, should give the full Revenue of the year, less local charges and cost of collection. But we have already pointed out the uncertain gaps left by the 'assignments,' or sums paid by receivers of the Revenue directly into the hands of creditors or others, under private orders from the King; which sums are not passed through either the Exchequer or the Wardrobe, but the amount of which would have to be brought in to make up the full Revenue. A signal instance occurs in connexion with the third year of the reign. The October Parliament of 1275 granted a Fifteenth from the laity and higher clergy. The account is fortunately extant, and it gives the yield as £81,201 13*s.* 9*d.* (L.T.R. Enrolled Accounts, Subsidies, Lay). Of that sum, just £2,293 were paid into Treasury and Wardrobe between them, and figure in the accounts of our Table A. As to the vast balance of £78,908 13*s.* 9*d.* Pell and Wardrobe Accounts are silent. It did not concern either Treasurer or Keeper of the Wardrobe. It was all paid to the Florentines and others, who had lent money to the King when abroad.[1] The collection of the Fifteenth probably extended over two years, as was usually the case, say over the years 1276 and 1277, as the grant was made late in the year 1275. Dividing the £78,908 between the two years, the totals on our Table would have to be raised at one stroke from £24,661 and £46,441 to £64,115 and £85,895 respectively. The fact is, that while the collection of the Revenue was strictly looked after, and the accounts from the various receivers carefully audited, no attempt was ever made to bring the entire Revenue within the compass of one all-embracing summary account, so as to give a complete *conspectus* of the whole. The result is that a full and authentic return of the Revenue could only be obtained by putting together the totals of all the "enrolled"—i.e. audited and passed—accounts of the individual receivers of the different branches of the Revenue, a vast task, and one for which the materials in this reign do not really exist. We shall, however, endeavour, with all reservations, to build up, from such of these accounts as are available, a fuller account of the Revenue than that shown by the central accounts of our Table.

War expenditure was passed through the Household Accounts, but when the amounts were very large, it seems that they were entered in special War Accounts, distinct from the regular series of Wardrobe Accounts. Of these we have one covering a period of two years and eight months (March, 1282–November, 1284, the time of the

[1] See above, 312, note.

second Welsh war), and another revelation it is, as it doubles at once the Revenue that, without it, we should have assigned to those years.[1]

Turning to our Table A the reader will see that, leaving out shillings and pence, the totals there given run from £24,661 in the 4th year (1275–1276) to £112,031 in the 25th year (1296–1297), the year when the burdens and exasperation of the nation culminated, and Parliament extorted the *Confirmatio Cartarum* and the release of the monstrous surtax on wool. Putting the totals of the Table all together, we get an average Revenue of £61,186 a year. But, as already intimated, this total is quite inadequate, and must be supplemented by further researches.

In compiling our estimate of the actual Revenue we will begin with the continuous sources, yielding yearly returns.

I. For the hereditary income of the Crown, or Old Crown Revenues, as we will call them, we will take the total that we found for the previous reign, namely £30,000 a year, or thereabouts, the total of John's reign not being very dissimilar. The totals of our 2nd and 4th years no doubt are under £25,000; but all the others exceed, and mostly greatly exceed, the £30,000. This estimate would include the county and borough returns, the wardships, marriages, fines, forfeitures, escheats, amerciaments, vacant sees, scutages and scutage fines, and the ordinary yield of the Hanaper in Chancery, or Issues of the Great Seal (£1,000 a year),[2] as well as the like yield of the Mint and Exchange (£2,000 a year),[3] but not the extraordinary returns from a re-coinage or other special windfalls. The reader must bear in mind that the returns from vacant sees, fines, forfeitures and the like, fluctuated greatly from year to year.

II. Customs. These, as the reader has been told, really begin with the year 1275. Before that time, of course, duties there were, probably to a considerable extent taken in kind, "prises," as continued to be the case with wine. But as we have already seen, the extant returns of these are so partial and irregular that no estimate can well be given of them. For the future these pre-Edwardian customs become merged in the duties imposed in his reign. To return to these, Parliament in the 3rd year granted the wool and leather duties, viz., half a mark (6*s.* 8*d.*) on the sack of wool and 300 woolfells, and double that on the last of leather.[4] Sir Matthew Hale, writing from records that do not appear to be now extant, gives the returns of the wool

[1] Wardrobe Account, given in Chancellor's Roll, No. 84, and Pipe Roll, 19 Ed. I, and printed by Sir H. Ellis as an Appendix to Oxnead's Chronicle; digested App. to ch. XIX. above; and app. B to this chapter.

[2] Wardrobe, 21st and 22nd years.

[3] Enrolled Accounts, Pipe R. 14 Ed. I m. 4 and 15 Ed. m. 3.

[4] The sack of wool weighed 364 lbs. and the last (of wool) is given as 12 sacks.

and leather duties for nine years, from the 7th to the 16th years of the reign (1278–1287), as showing average returns of £8,800 a year.[1] Our own examination of the accounts for the last four years of the reign, which happen to be extant, give average totals of £12,980 for these same dues.[2] To keep on the safe side, however, we will take them at an average of £10,000 a year for the whole reign. This average of course will be exclusive of the monstrous "maletote" levied by Edward from 1294–1297, when merchants were made to pay three marks (£2) on the sack of common wool and 5 marks (£3 6*s.* 8*d.*) on the last of leather and sack of superior wool.[3] With this illegal tax we will deal under a separate head.

Under the tariff of 1303, the duty on wool was raised to 10*s.* the sack, and that on leather to £1 the last, the new increments of 3*s.* 4*d.* and 6*s.* 8*d.* respectively, being known as the "*Parva*" or "*Nova*" *Custuma*, the original duties being distinguished as the "*Magna*" or "*Antiqua*" *Custuma*. The new tariff also included duties on wine and general commodities, the details of which need not be repeated here, as they have already been given.[4] The average yield of the *Antiqua Custuma* for the years 1303–1307 has already been given as £12,980 a year. With the *Nova Custuma*, the Wine Duties and the Prisage of Wines, all together, we get in round numbers the following totals: £10,375, £28,462, £18,377 and £20,035;[5] or on the average £19,312 a year. Deducting the £10,000 allowed for earlier years, we get £9,312 as an addition to be made to the estimated total Revenue of the last four years.

From the first the collection of the wool and leather duties both for England and Ireland was committed to Italian merchants.[6] As a matter of fact, the actual collectors in every case were natives, the appointment of the Italians being merely a charge in their favour, as security for money advanced to the King. In 1296 their claims were postponed to a grant of £25,000 to the Duke of Brabant, to be raised out of wool duties to be paid by Brabanters.[7] The result of these arrangements was that very little of the returns from the Customs figures either in the Pell or in the Wardrobe Accounts.

III. Ireland. The Irish returns vary exceedingly. Thus we have

[1] Printed by F. Hargreaves, *Tracts*, 154 (London, 1787). The war account 1282–1284 shows receipts to the amount of £8,600 a year; Chancellor's Roll, No. 84.

[2] Enrolled Customs Accounts, Ed. I and Ed. II.

[3] See above, 407.

[4] Above, p. 485.

[5] Enrolled Customs Accounts, Ed. I, Nos. 1 and 2. The total of £10,345 for the year 1303–1304 is obtained by doubling the actual amount shown by the accounts, which are only available for half the year.

[6] Cal. Pat. R. Ed. I, Vol. I 142.

[7] Id. III 232.

£7,005 for two years and eight months (11th and 12th years).[1] Again we have £38,000 paid in for seven years;[2] again one year, the 23rd, yields £1,000, and another £280. The most complete return that we have is that of the Irish Treasurer for the five years from 1299 to 1304, which shows gross receipts of £24,499, with £11,267 actually paid in.[3] Putting these together we get an average annual return of say £3,500. To this should be added the yield of the Irish Customs. The only clear datum for these which we have gives £5,171 as the return for four years and a half,[4] or an average, say, of £1,150 a year; this, with our general estimate of £3,500, will make a grand total of £4,650. But as Ireland contributed to Fifteenths and Tenths and other extraordinary issues, this estimate is probably quite below the mark.

IV. To enumerate the extraordinary receipts. Edward, before going to Palestine, received the greater part of a lay Twentieth; arrears from which figure in the totals of the two first years of his reign; but as our estimate of the Revenue will not begin till the 3rd year, 1275, we need not be troubled with them. To begin with the lay grants, and grants from the higher clergy usually taken along with the lay grants, Edward received a Fifteenth in 1275. In 1283 he obtained a lay Thirtieth; in 1290 he had another Fifteenth from laity and clergy; and in 1294 he obtained from different classes of the community a Tenth, a Seventh[5] and a Sixth. In 1296 he had an Eleventh from the counties, and a Seventh from the towns; in 1297 a Ninth from Barons and counties; in 1301 a lay Fifteenth; and finally in 1306 another Thirtieth from the counties, and a Twentieth from the towns. We pass over the tallage of a Sixth imposed on the towns in 1304, having no data for an estimate, beyond the single fact that Norwich was assessed at £400. The Aid for marrying the King's eldest daughter at 40*s.* the knight's fee brought in just £3,065.

For clerical Subsidies, Edward received from Canterbury Tenths in 1273 and 1274; in 1280 he had Fifteenths for three years; a Thirtieth in 1283, a Tenth in 1290; another in 1296; in all four Tenths, three Fifteenths, and a Thirtieth, with a Moiety in 1294, and a Fifth extorted as redemption fines in 1297.

From York, Edward had a Tenth in 1272; two in 1280; and one in 1290; four in all, besides the Moiety and Redemption Fifth.

By Papal grants Edward apparently had six Tenths conceded in 1284; as many more in 1291; with finally another two in 1306, fourteen in all.[6]

[1] Pipe Roll, 13 Ed. I, m, 5.
[2] 15 and 16 years. Pipe Roll, 19 Ed.
[3] Pipe Roll, 15 Ed. I.
[4] Wardr. 8th year; Pipe Roll, 8 Ed. I, m. 30.
[5] *Parliamentary Writs*, I 27; *Fœdera*, I 811.
[6] Above, 361, and 502, note.

These imposts were over and above the six Crusade Tenths voted in the Council of Lyons. The King got none of that money; but what with Tenths, Fifteenths and Thirtieth, between Pope and King the clergy would seem to have been mulcted of a normal Subsidy in twenty-one years out of the thirty-five years of the reign; without counting the abnormal Moiety or the redemption Fifth. Keeping to the moneys received by the King, we may pass over the Canterbury Tenths of 1273 and 1274, and the York Tenth of 1272, as our Revenue estimate is to begin with the year 1275. We therefore have only two Tenths from Canterbury, and three Tenths from York, of the subjects' grant to deal with.

For the actual returns from these grants, as concerning the Tenths from the year 1291 onwards, we have the authoritative *Taxatio* made by the orders of Pope Nicholas IV. The assessment comes in round numbers to £210,000, and the Tenth to about £20,000 a year, namely £16,000 from Canterbury, and £4,000 from York.

With respect to the Tenths prior to 1291 as that assessment was taken on a stricter footing than the previous Norwich census of 1256, the prior Tenths must not be taken at the same rate. To be safe, therefore, we will take the aggregate Tenth prior to 1291 at £15,000 a year, as under Henry III, or £12,000 a year from Canterbury and £3,000 a year from York.

In dealing with the finance of the reign of Henry III, we had to express a doubt as to the proportion of the many Tenths vouchsafed by the Pope that really reached the King's pocket. With respect to his son, we are left in no such uncertainty. In 1301 Edward received from Boniface VIII a full "quittance" for the six years' Tenths granted in 1291; [1] while, best proof of all, we have the official return of the last two Tenths of the reign, when, with contributions from Ireland, Wales and Scotland, they stand at £20,443 and £20,375, one-fourth of the whole being reserved for the Holy See (L.T.R. Enrolled Accounts, Subsidies).

As concerning the yield of the lay and mixed Subsidies, for the Fifteenth of 1275 we have an official return, and the amount is £81,201 (L.T.R. Enrolled Accounts, Subsidies). Again we have an account of the Thirtieth of 1283, and it comes to £36,330 (Chancellor's Roll, No. 84); doubling that, we get £72,660; while the Pell Rolls show the Fifteenth of 1290 as yielding £120,287, the collection extending over four years. For the Tenth, Sixth and Seventh of 1294 we will take, say, three times the amount of the Thirtieth, or £108,990; and the same for the grants of 1296 and 1297. The Fifteenth of 1301 again will stand at £81,201, and the Thirtieth and Twentieth of 1306 at, say, £40,000

£
81,201
72,660
120,287
108,990
108,990
108,990
81,201
40,000
£722,319

[1] *Fœdera*, I 928.

	£
With respect to the clerical grants, for the Tenths of 1290, from Canterbury, taking them at the lower estimate, we have £12,000; and for those of 1296, at the higher rate, £16,000 together £28,000; for the Fifteenths of 1280 £24,000; and for the Thirtieths £4,000. For the three Tenths from the Northern Province we take £9,000.	28,000 24,000 4,000 9,000
For the six Papal Tenths prior to 1291, we might take £90,000, and for the six full later ones £120,000 or £210,000 in all. But we saw that the two final Tenths of 1306 were subjected to the reservation of one-fourth for the Holy See, reducing the total of each to £15,000. As it is highly probable that the earlier Tenths were subject to like reservations, reducing them by one-fourth we shall get £157,500 in lieu of £210,000, with £30,000 for the two final Tenths. The crushing Moiety imposed on both Provinces in 1294 should have yielded £100,000, but it is scarcely credible that this could have been extorted in addition to the Tenth with which the clergy were already saddled; and so, still keeping on the safe side, we will take the impost at £80,000, and the Fifth of 1297, on the same footing, at £40,000.	157,500 30,000 80,000 40,000
	£372,500

Totals—Lay Subsidies . . .	£722,319
,, Clerical	372,500
	£1,144,819

V. Sundry or casual receipts. This enumeration of course is not offered as complete, but rather by way of illustration of the multifarious sources from which profits could flow into the Exchequer. The figures, all but our estimate for the re-coinage of 1300, are authoritative, and as such have to be taken into account.

	£
Fines and confiscations of Jews' property, "*pro transgressione monetæ*" 1277–1280	7,120
Same, Stratton and other judges, 1289–1290	16,053
Re-coinage, 1280–1281	11,320
Say, allow same for recoinage of 1300, accounts of which are not forthcoming	11,320
Church plate 'borrowed' during the 'scrutiny' of 1294	25,500
From Aquitaine (2 entries, 15th and 16th years)[1] ..	14,139
	£85,452

[1] I omit the £16,524 of Benevolences (Table B below), as the money was allowed to rank against subsequent grants.

Forward £85,452

With regard to the yield of the illegal surtax on wool, current from the year 1294 to 1297, we have two isolated accounts from the Port of London, showing returns for two of those years with an average of £14,000 a year. The returns from the same port for the last four years of the reign, when the customs were above the earlier average, only come to £1,713 a year; this would imply an eight-fold increase by a six-fold surtax, which is quite incredible. We will allow a treble duty, in addition to our estimated average of £8,800 a year, say £26,400 for each of the three years, say a total sum of 79,200

£164,652

Spread over thirty-three years, the two first years of the reign being left out, the returns under these two heads IV and V would give an average of nearly £40,000 a year. Our account, therefore, from 1275 to 1303, will stand as follows :—

1. Old Crown Revenues	30,000
2. Customs	10,000
3. Ireland	4,650
4. Subsidies, lay and clerical, and other extraordinary receipts	40, 000
Average Revenue	£84,650

For the last four years of the reign, the following additions have to be made :—

1. Customs, New	9,312
2. Priories Alien	1,260
3. Scotland (Bain, Calendar, II. 438–444), say ..	700
	£11,272

Thus for the last four years we reach an annual Revenue of nearly £95,000. Our belief is that, if further evidence were forthcoming, it would rather enhance than reduce our estimate. For instance, the serious question of borrowed money remains. In 1276 Edward acknowledged owing Luca Natali and Orlandino del Poggio of Lucca, £13,333 on £54,000, advanced to the Wardrobe and otherwise, during his absence abroad (Cal. Pat. R. Ed. I, vol. I 131, 161). In 1289 we have a statement of account, showing that the King owed the Ricardi of Lucca £95,152 5*s*., advanced to him while abroad, besides £12,632 paid into the Wardrobe, in all £107,784 (Cal. Pat. R. 19th year,

p. 318). So again, the Wardrobe Accounts of the earlier part of the reign mostly show loans to the average amount of £11,000 a year, and they swell the totals on our Table A. These, however, might to a certain extent be regarded as drawings on account of the Customs received by the merchants. During the latter years of the reign the loans seem to cease, but Edward must have been in straits for money, as everything was mortgaged; we even find him felling timber for sale. The prospective receipts for Wardships were mortgaged to the Queen to secure £4,000 due to her under her marriage settlement. As each unfortunate minor came into hand, he and his estate were assigned to the Queen, and the profits of his estate were at once sold by her to the best bidder, and the security *pro tanto* realized (Cal. Pat. R. IV. 112). However, the King was not afraid to face his liabilities. He was always ready to give security on anything that he had. Thus, in 1302, he gave some Gascon gentlemen who had assisted him abroad, an assignment of 20,000 marks on Clerical Tenths (Cal. Pat. R. IV. 57). In 1306 he gave an order for a settlement of accounts with the Frescobaldi, who were claiming liquidated damages, besides other costs and charges. They alleged that deposits to the extent of £50,000 had been withdrawn from them by clients at home, through alarm at reports of their lendings to the King. On the other hand, the Italians must have found the English trade quite profitable. At the beginning of the reign, we only hear of the Ricardi of Lucca, and the Frescobaldi of Florence. At the close of the reign we also have Bardi, Pucci, the companies of Bianchi and Neri, and half a dozen other firms from Florence, Lucca, Pistoja, Genoa, Siena and Piacenza. Taking all things into consideration we cannot but suppose that Edward owed money to a considerable extent at his death, and that on that account a further sum should be added to our estimate of his revenue. On the other hand, it is possible that our estimate of £30,000 for the average yield of the Old Crown Revenues may have been high, as it is clear that some years they did not exceed £24,000, if as much.

Taking Edward's revenue at an estimate say of £80,000 a year, without borrowed money, and multiplying that by 13 as the accepted factor for the reign to get the purchasing power of that income expressed in modern money, we should have an income of £1,400,000 a year.

In Table B appended to this chapter we give the receipt side of the special war account of 1282–1284, of which we have already given the expense side. As the sums raised came to £101,153 and the expenditure only came to £89,248 10*s*., there was a handsome balance left in hand.

With all his revenue Edward was not personally extravagant. The total expenses of the household, including the Queen's expenditure, in

the 18th year (1289–1290) is returned at £14,799 0s. 5*d.*, including gifts (*Dona*) £2,821 16s. 6¾*d.*[1] The Wardrobe Account of the 28th year (1299–1300), already referred to,[2] gives much the same amount, or £15,575 18s. 5½*d.*, to include the outgoings of the Chancery. As the Chancery receipts were annexed to the Wardrobe, so the charge of the disbursements fell to the department.

To Edward we have to attribute the first debasement of the currency. Down to the year 1300 the £1 sterling was equal to 1 lb. of silver, consisting of 240 pennies, each containing 22½ grains Troy of silver, and so making up the Tower pound of 5,400 Troy grains. In 1300 the silver penny was reduced to 22 grains, so that the £1 sterling would now contain only 5,280 grains of silver, a reduction of 2¼ per cent.[3]

Edward apparently left no Will but that executed at Acre, providing for his wife and children.[4] Of the executors named, Anthony Beck alone lived to bury him.

By Eleanor (Alienora) of Castile (she died 28th November, 1290) Edward had a numerous family.

1. Eleanor, born in 1264,[5] married to Henry III, Count of Bar, 20th September, 1293;[6] died at Ghent, 1298 (?[7]), leaving issue.

2. John, born 14th July, 1266, died 3rd August, 1271.[8]

3. Henry, born 1268; sent as hostage to France 1269; died in October, 1274.[9]

4. A daughter born at Acre in 1271, died shortly.[10]

5. Jehane, or Jeanne, born at Acre, 1272,[11] married first Gilbert of Clare II, Earl of Gloucester and Hertford, 30th April, 1290; and secondly Ralph of Monthermer, 1297.[12] She died in 1307,[13] leaving issue.

6. Alphonso, born at Bayonne, 24th November, 1273; died 19th August, 1284.[14]

7. Margaret, born at Windsor, 11th September, 1275; married 8th July, 1290, John II, afterwards Duke of Brabant; died 1318, leaving a son John III.[15]

[1] Chancery Miscellanea, Bundle 4, No. 4. [2] J. Popham, sup.
[3] See Ruding, *Annals of Mint*, I 202; Hawkins, *Silver Coins of England*; and Rogers, *Prices*, I 173.
[4] *Royal Wills*, Nichols, 1780.
[5] Green, *Princesses*, II 276, and above.
[6] Flor. Cont. II 268; 27th September, Osney, 336; cnf. *Fœdera*, I 678.
[7] Green, *Princesses*, II 314.
[8] *Liber de Ant.* 87, 141; T. Wykes, 245; M. Westm. III 23.
[9] T. Wykes, 261; Flor. Cont. II 213; *Liber de Ant.* 122.
[10] *Liber de Ant.* 171.
[11] Flor. Cont. II 210; *Liber de Ant.* 171.
[12] Above, 367, and 460, note.
[13] Dunstable, 407; Trevet, 358; *Fœdera*, I 1013.
[14] Flor. Cont. II 213; Osney, 296; Worcester, 489.
[15] Green, sup. 363, 370, 400; and above.

8. Berengaria, born at Kennington, 1276, and died same year or next.[1]

9. Mary, born 11th March, 1279; took the veil at Amesbury 1285; died about 1332.[2]

10. Elisabeth, born at Rhuddlan, August, 1282; married first to John, Count of Holland, January, 1297;[3] secondly to Humphrey of Bohun III, Earl of Hereford and Essex, 14th November, 1302; died 5th May, 1316,[4] leaving issue by Bohun.

11. EDWARD, born at Carnarvon 25th April, 1284.[5]

By Margaret, daughter of Philip III of France (she died 14th February, 1318[6]), Edward had—

1. Thomas, born at Brotherton, 1 June, 1300;[7] created Earl of Norfolk in remainder 30th August, 1306;[8] died 1338 s.p.

2. Edmund, born at Woodstock, 5th August, 1301;[9] created Earl of Kent by Edward II, 28th July, 1321; beheaded 19th March, 1330.[10]

3. Eleanor, born at Winchester, 4th May, 1306;[11] died in 1311.[12]

[1] Flor. Cont. II 216; Winch. 122.
[2] Flor. Cont. II 220; Rishang. 108; Dunst. 326; Green, 404, 409, 441.
[3] 7 January, *Fœdera*, I 850; 8 January, Green, sup. 13, from Wardrobe Accounts.
[4] Green, III 37, 55.
[5] Wykes, 295; Flor. Cont. 232; above.
[6] *Fœdera*, II 360.
[7] Westm. III 302; Rishang. 438; Gervase, Cont. II 318.
[8] *Fœdera*, I 998.
[9] Westm. III 110, 304; Worcester, 550.
[10] *Complete Peerage*.
[11] So Green, III 61, from a Wardrobe Account. The Westminster writer has the 6th May, III 130.
[12] Green, sup. 63.

EXCHEQUER ACCOUNTS.

Edward I. Regnal Year.	A.D.	Term.	Roll.	No.	Year's Total. £ s. d.		Wardrobe Accounts. £ s. d.	Grand Total. £ s. d.
1	1272	Mich.	Auditor's Receipt Roll .	38	781 16 11½	4,942 18 9½		
,,	1273	East.	Pell's ,, ,, .	43	4,161 1 10			
2	,,	Mich.	Auditor's ,, ,, .	19	7,116 12 10	12,107 9 9½	12,832 3 11 [1]	= 24,939 13 8½
,,	1274	East.	Pell's ,, ,, .	45	4,990 16 11½			
3	,,	Mich.	Auditor's Issue ,, .	4	[6,615 5 8]	12,551 13 11½		
,,	1275	East.	Pell's ,, ,, .	19	[5,936 8 3½]			
4	,,	Mich.	Pell's Receipt ,, .	50	6,160 6 0½	11,439 5 6	13,221 16 3½ [2]	= 24,661 1 9½
,,	1276	East.	Auditor's Receipt ,, .	27	5,278 19 5½			
5	,,	Mich.	Pell's ,, ,, .	53	6,089 14 1½	10,727 19 4	35,713 16 10½ [2]	= 46,441 16 2½
,,	1277	East.	,, ,, ,, .	54	4,638 5 2½			
6	,,	Mich.	,, ,, ,, .	55	5,750 2 4½	11,501 9 1½	19,266 7 3 [3]	= 30,767 16 4½
,,	1278	East.	,, ,, ,, .	56	5,751 6 9			
7	,,	Mich.	,, ,, ,, .	59	6,917 0 2½	10,352 8 3	26,253 11 2½ [4]	= 36,605 19 5½
,,	1279	East.	,, ,, ,, .	60	3,435 8 0½			
8	,,	Mich.	*Rolls wanting.*					
,,	1280	East.	Pell's Receipt Roll . .	62	7,294 7 7½		17,080 19 10½ [5]	
9	,,	Mich.	,, ,, ,, . .	63	9,876 1 7		14,548 0 0 [6]	
,,	1281	East.	*Rolls wanting.*					
10	,,	Mich.	Pell's Issue Roll . .	29	[7,811 16 11]	14,703 12 4½	71,351 6 0 [7]	= 86,054 18 4½
,,	1282	East.	Pell's Receipt Roll . .	64	6,891 15 5½			
11	,,	Mich.	Auditor's Receipt Roll .	32	6,516 9 11½		82,693 10 0 [8]	
,,	1283	East.	*Rolls wanting*					
12	,,	Mich.	Pell's Issue Roll . .	31	6,126 12 9½		82,693 10 0 [8]	
,,	1284	East.	*Rolls wanting.*					
13	,,	Mich.	,, ,,					
,,	1285	East.	Pell's Receipt Roll . .	65	11,902 3 8			
14	,,	Mich.	Auditor's Receipt Roll .	33 & 34	13,635 8 10		20,413 3 8½ [9]	
,,	1286	East.	*Rolls wanting.*					
15	,,	Mich.	Pell's Receipt Roll . .	69	10,378 19 8		17,004 17 5½ [10]	
,,	1287	East.	*Rolls wanting.*					
16	,,	Mich.	Pell's Issue Roll . . .	38	11,624 5 8	22,479 0 2	17,004 17 5½ [10]	= 39,483 17 7½
,,	1288	East.	Pell's Receipt Roll . .	70	10,854 14 6			
17	,,	Mich.	*Rolls wanting.*				62,950 0 0 [11]	
,,	1289	East.	,, ,,					

18	1289	Mich.	Pell's Receipt Roll . .	71	8,385	10	9	24,637	8	7	62,950	0	0 [11]	=	87,587	8	7
,,	1290	East.	,, ,, ,, . .	72	16,251	17	10										
19	,,	Mich.	,, ,, ,, . .	73	23,132	19	5	49,191	15	1	9,834	8	7 [12]	=	59,026	3	8
,,	1291	East.	,, ,, ,, . .	74	26,058	15	8										
20	,,	Mich.	,, ,, ,, . .	77	42,140	1	4	80,213	11	3	3,154	0	10½ [11]	=	83,367	12	1½
,,	1292	East.	,, ,, ,, . .	78	38,073	9	11										
21	,,	Mich.	,, ,, ,, . .	80	42,674	4	3	61,751	17	8	12,164	4	5½ [13]	=	73,916	2	1½
,,	1293	East.	,, ,, ,, . .	83	19,077	13	5										
22	,,	Mich.	,, ,, ,, . .	84	28,731	5	9	89,626	18	2	12,413	14	4 [14]	=	102,040	12	6
,,	1294	East.	,, ,, ,, . .	86	60,895	12	5										
23	,,	Mich.	,, ,, ,, . .	87	63,107	11	1¼	80,657	11	9¾	7,741	6	10 [14]	=	88,398	18	7¾
,,	1295	East.	,, ,, ,, . .	90	17,550	0	8½										
24	,,	Mich.	,, ,, ,, . .	102	26,915	14	2	45,399	4	3	4,909	15	3½ [15]	=	50,308	19	6½
,,	1296	East.	,, ,, ,, . .	105	18,483	10	1										
25	,,	Mich.	,, ,, ,, . .	107	41,591	5	5	81,158	4	0	30,873	0	7½ [15]	=	112,031	4	7½
,,	1297	East.	,, ,, ,, . .	110	39,566	18	7				9,012	9	1½ [15]				
26	,,	Mich.	*Rolls wanting.*														
,,	1298	East.	Pell's Receipt Roll . .	112	25,995	7	0½										
27	,,	Mich.	,, ,, ,, . .	113	21,835	14	5	33,915	8	6½							
,,	1299	East.	,, ,, ,, . .	114	12,079	14	1½										
28	,,	Mich.	,, ,, ,, . .	117	21,573	4	10	37,398	13	4	9,106	16	2 [16]	=	46,504	15	5
,,	1300	East.	Pell's Issue ,, . .	78	15,825	8	6										
29	,,	Mich.	Pell's Receipt ,, . .	120	17,411	16	6	38,063	15	7							
,,	1301	East.	,, ,, ,, . .	122	20,651	19	1										
30	,,	Mich.	*Rolls wanting.*														
,,	1302	East.	Pell's Receipt Roll . .	125	6,694	14	6										
31	,,	Mich.	,, ,, ,, . .	129	13,443	15	7½	29,509	16	9½	33,003	9	3¾ [17]	=	62,513	6	1¼
,,	1303	East.	,, ,, ,, . .	131	16,066	1	2										
32	,,	Mich.	,, ,, ,, . .	134	9,875	14	1	23,143	14	0½	34,657	7	5¼ [17]	=	57,802	1	5¾
,,	1304	East.	,, ,, ,, . .	143	13,267	19	11½										
33	,,	Mich.	,, ,, ,, . .	147	16,663	13	4½	42,750	1	0½	16,980	0	7½ [18]	=	59,730	1	8
,,	1305	East.	,, ,, ,, . .	152	26,086	7	8										
34	,,	Mich.	,, ,, ,, . .	153	18,390	4	9	43,033	8	8	14,161	13	3½ [18]	=	57,195	1	11½
,,	1306	East.	,, ,, ,, . .	156	24,643	3	11										
35	,,	Mich.	Auditor's ,, . .	69	16,644	11	5	30,781	5	2½	24,763	8	2¾ [18]	=	55,544	13	5¼
,,	1307	East.	Pell's ,, ,, . .	162	14,136	13	9½										

[1] Q.R. Exchequer, Wardrobe and Household Bdle 360, No. 20. [2] Pipe Roll, 7 Ed. I, fol. 23. [3] Id. 7 Ed. I, fol. 22.
[4] Id. 8 Ed. I, fol. 24. [5] Id. f. 30. [6] Pipe R. 12 Ed. I, fol. 3 & Q.R. *supra*, Bdle. 350, No. 4. [7] Id. *plus* share of Chancellor's Roll, No. 84.
[8] Chancellor's Roll, No. 84, & Pipe Roll, 13 Ed. I, fol. 5 (2 years together). [9] Q.R. *supra*, Bdle. 351, No. 27. [10] Pipe R. 19 Ed. I (2 years together).
[11] Pipe Roll, 21 Ed. I, fol. 26 (2 years together). [12] Pipe R. 19 Ed. I, fol. 25. [13] Pipe R. 22 Ed. I, fol. 6. [14] Pipe R. 27 Ed. I, fol. 20.
[15] Id. fol. 13. *N.B.*—Preceding Wardrobe totals taken from rolls audited and added up. The following totals taken from books not finally added up.
[16] Household Roll, 28 Ed. I, printed by J. Topham, 1787 (Society of Antiquaries). [17] Q.R Exch. Bdle. 365, No. 6. [18] Id. Bdle. 368, No. 7.

TABLE B. APPENDIX TO CHAPTER XXXIII.

Wardrobe Account (Chancellor's Roll, No. 84, printed Append. to J. of Oxnead. Rolls Series, No. 13).

Receipts from 22nd March, 1282 to 22nd November, 1284.

	£	s.	d.
Transferred from Treasury	6,373	6	8
Mint and Exchange	1,590	11	2
Jews	228	11	2
Ordinary Crown Revenues, Sheriffs, Vacant Sees, Wardships, etc.	1,812	19	2
Advances repaid	2,974	9	1
Wool and leather customs	22,916	5	5
Fifteenths arrears	500	0	0
Benevolences and loans	16,524	7	6
Scutage Fines	2,959	2	2
Prisage Wines (6 years)	1,318	9	4
Surplus stores sold	7,624	3	5
Thirtieths	36,330	17	4
Stated Total	£101,153	2	5
Less transferred from Exchequer	6,373	6	8
Total from Taxation	£94,779	15	9

LIST OF AUTHORITIES CITED.

Annales Cambriæ, A.D. 453–1258 (J. W. ab Ithel; Rolls Series No. 20). This important Welsh Chronicle is believed to have been originally started at St. David's, probably from Irish materials, about A.D. 954, and subsequently continued by various hands down to 1288, where it ends.

Annals of Loch Cé (Rolls Series No. 54; W. M. Hennessy). An Irish chronicle, 1041–1590.

Annales Londonienses, 1194–1330 (Bishop Stubbs, Rolls Series No. 76). This work is based on the chronicle known as "Matthew of Westminster," q.v., down to 1289, with new matter inserted, especially from 1264 to 1274; after 1289 it becomes original. It is probably the work of Andrew Horn, Chamberlain of London, the author of the *Liber Horn*, who died in 1328; the latter part, of course, must therefore be held a continuation. It is the oldest London Chronicle next to the *Liber de Antiquis Legg.*

Bain, J., *Calendar of Scottish Documents.* (Scottish Record Publications.)

Barbour, John, "*The Brus*" (C. Innes, Spalding Club, 1839). Metrical Life of Robert Bruce in the vernacular. Barbour, Archdeacon of Aberdeen, studied at Oxford and Paris, 1357–1368; says, writing in 1375. For his Life of Bruce he may have had the benefit of the pre-existing chronicles of Bruce's "gestes" mentioned in the Scalacronica, q.v.

Blaauw, W. H., *Barons' War* (1871). Rich in facts, especially facts relating to family history of leading personages of the period, taken from MS. records.

Boehmer, J. F., *Regesta Imperii.*

—— Id., *Fontes.*

Bouquet, *Receuil des Historiens de la France.*

Brunne. Robert Manning of Brunne or Bourne in Lincolnshire, commonly called Robert of Brunne. "The Story of England"; Metrical Chronicle in English—Expulsion of Eadwig from Mercia in 957–1307; finished in May, 1338 (Hearne. See Pref. III. xxxiii.). Canon of Sempringham; been there fifteen years when he wrote "Handlyng Synne" in 1303 (J. W. Hales, Academy, 8 January, 1887).

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Burton, Annals of (*Monastic Annals*, H. R. Luard, No. 36, vol. I). One MS. A.D. 1211 to end in 1263 (imperfect); very rich in documents, and most important authority for everything connected with Provisions of Oxford.

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Cal. Pat. R., Calendar Patent Rolls, Henry III, 1 vol. (in print).

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Coggeshall, Ralph of *Chronicon Anglicanum*, A.D 1066–1221 (J. Stevenson, Rolls Series No. 66). Abbot of Cistercian House of Coggeshall; died in 1228. For Henry's reign strictly contemporary.

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Gloucester, Robert of (Hearne; later ed. Aldis Wright, Rolls Series No. 86). Metrical history composed about the year 1300. The writer was apparently a student at Oxford in 1265, as he describes incidents that occurred there in that year.

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Under Rishanger's name we cite—

I. *De Bello de Lewes* (J. O. Halliwell, Camden Society, 1840). This work, which is headed with the author's name, is a most valuable narrative of events from 1263 to 1267. A choice composition.

II. Again under his name we have printed by Mr. H. T. Riley (Rolls Series No. 28) seven distinct pieces—

(1) *Chronica*, A.D. 1259–1306.
(2) *Annales Regni Scotiæ*, 1291, 1292.
(3) *Annales Angliæ et Scotiæ*, 1292–1300.
(4) *Gesta Edwardi Primi*, 1297–1305, with notes down to 1325, claimed as Rishanger's work.
(5) *Annales Regni Edwardi Primi*, 1297–1307.
(6) and (7) Fragmentary *Annales Edwardi Primi*, one 1295–1300, and the other 1285–1307.

Nos. (2) and (3) are valuable contemporary pieces by persons with access to good information.

No. 1 appears to have been issued first as a Continuation of Matthew Paris, 1259–1272 ; the later part not being compiled till much later ; having been composed either in collaboration with, or based upon that of Nicholas Trevet, referred to by name as an authority under the year 1274 (p. 82). Throughout Trevet appears as the original and "Rishanger" as the copyist.

Mr. Riley thinks that the *Gesta Edwardi Primi* are clearly Rishanger's, and that the MS. (Reg. 14 C. 1, fol. 4*b*) is his autograph. The attribution of the other pieces to him may be due to the fact that they and the *De Bello* were originally bound up in one book in uniform style, and headed with his name.

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Tewkesbury, Annals of (Monastic Annals, H. R. Luard, Rolls Series No. 36, vol. I). One MS.; from 1200 to 1263 in various thirteenth century hands.
Tout, T. F., *Political History of England*, vol. III.
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Westminster, Matthew of, "*Flores Historiarum*," creation–1337. A revised copy of the *Chronica Majora* of Matthew of Paris, made at St. Albans, with a continuation to the year 1326. This continuation was carried on at St. Albans down to the middle of the year 1265, when the MS. was taken to Westminster, and there carried on, on a new footing, to the end. It thus became known as the Westminster copy of Paris. The last two years are taken from the work of Adam of Murimuth. A valuable authority throughout (H. R. Luard, Rolls Series No. 95. A folio edition, Frankfort, 1601, has to be cited for some passages defective in the Rolls edition.)
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Warwick to recover Dunbar Castle delivered to Scots, 429; progress through Border Lowlands, gains Roxburgh Castle, 429; turning North occupies Edinburgh Castle, Linlithgow, Stirling Castle and Perth; receives overtures for peace from King John, instructs Bishop of Durham to settle terms, 429; receives Balliol's abdication at Montrose, Highland tour through Aberdeen and Banff to Elgin, 431; and back by Kincardine O'Neil, Arbroath and Dundee to Perth, captures Stone of Scone, 432; back to Berwick, holds Grand Council of both realms and receives homage of all fully franchised Scotsmen (Ragman Roll), 433; restores lands of loyal Scotsmen, appoints a Warden and other officials for Scotland, introduces English wool and leather duties, holds Parliament at Bury, and obtains from laity a Twelfth and an Eighth; clergy under Papal orders refusing any grant, 434; endeavours to recruit allies in Burgundy and Low Countries; clergy persisting in refusing grants, outlaws them, accepts a Fifth as redemption fine, 437; orders lay fees of Canterbury clergy to be taken into hand, 438; holds Grand Council at Salisbury, to plan expedition to Gascony, Earls Norfolk and Hereford (Marshal and Constable) refuse to go except in attendance on King, 439; Edward requisitions provisions proposing to send national militia abroad; Constable and Marshal refusing to muster them, supersedes them, 440, 441; makes friends with Archbishop Winchelsey, and asks for a Subsidy; holds sham Parliament and obtains grants of an Eighth and a Sixth, 442; appeals to country against Bohun and Bigod, *ib.*; but surrenders question of service abroad, 443; evades answering Articles of complaint presented by Barons, and orders collection of one-third of temporalities of clergy, sails to Flanders, appointing his son Regent, 444; unfriendly reception at Bruges, 457; sends officers to suppress Wallace's rising, 451, 452, 453; moves to Ghent, confirms *Confirmatio Cartarum*, 448; signs armistice; accepts mediation of Boniface VIII, 457; allows Flemings to manufacture and utter base coin, retains Burgundians for further service, comes home, 458; restores London franchises, calls for levies and a Parliament, 459; swears to re-confirm Charters if victorious over Wallace, 460; musters army, estimate of their numbers, 460; his march to Kirk Liston, 461; advances to Linlithgow, injured at night by tramp of his horse, 462; wins battle of Falkirk, 463, 464; receives ambassadors from Philip the Fair, moves through Forest of Selkirk, Ayr and Annandale to Carlisle, 465; calls for a muster for next summer, 466; holds Grand Council at Westminster to consider Papal award, 467; evades demand for Perambulation of Forests, but re-confirms Charters, with saving clause, but later absolutely, and names Perambulation Commission, 468; refuses to include Scots in treaty with France, but agrees to marry Marguerite of France, his son to marry Isabel (treaty of Montreux), liberates Balliol, 469; marries Marguerite, 470; calls out troops for winter campaign in Scotland, *ib.*; but obliged to retire summons Parliament, 471; in consideration of grant of a lay Tenth reconfirms Charters with additional Articles (*Articuli super Cartas*), restricts purveyance, issues Perambulation Commissions and recalls base coin issued in Flanders, meets levies at Carlisle, 472; campaign in Galloway, captures Caerlaverock Castle, advances to Wigton, and back to Carlisle, signs truce, 473, 474; receives Papal allocution on Scottish affairs, but refuses to surrender rights; summons Parliament, 475; accredits plenipotentiaries to Papal court, 475; releases Bishop of Glasgow, holds Parliament at Lincoln, resists Forest

Reform, refuses to dismiss Treasurer, 476, but under pressure gives in to Bill of twelve 'points,' in return for a Fifteenth instead of Twentieth promised in previous year, 477; confirms Charters again, but refuses to make clergy's grants dependent on Papal sanction; withholds Barons' protest to Pope on Scottish question as too outspoken, 478; again confirms Charters, allows sentence of excommunication against Winchelsey, 479; arrests Henry of Keighley, objectionable Member of Parliament, 479; sends to Boniface grounds of his claim to overlordship of Scotland, again invades Scotland, builds Peel tower at Linlithgow, 480; extends the truce with France and allows the Scots to be included, 481; introduces new Customs tariff for foreign merchants, 485; sends expeditionary force into Scotland, 486; accepts Philip's offer of offensive and defensive alliance on basis of restitution of Aquitanian territory, 487; again invades Scotland, crossing Forth by bridge of boats, reduces Brechin Castle, advances to the Findhorn and back to Dunfermline for winter, 488, 489; authorizes Prince of Wales to receive all but three men on terms, *ib.*; ratifies Treaty of Strathord, excepting only Wallace, 491; holds Parliament of Magnates at St. Andrews, *ib.*; reduces Stirling Castle, 492; returns to England, imposes tallage of a Sixth-on Crown boroughs and demesnes, holds Parliament and passes Trailbaston Ordinances, 494; agrees to Ordinance forbidding Priories alien to send money abroad, 495; appoints commission to try Wallace, 497; holds Grand Council of Scots and English, and publishes regulations for government of Scotland, 498, 499; compels Earls of Norfolk and Hereford to surrender estates for re-settlement, 500; accredits embassy to new Pope, Clement V, to ask for canonization of Thomas Cantilupe, and suspension of Archbishop Winchelsey, 502; revokes Forest concessions, 503; commissions officers to suppress Bruce rising, 508; knights Prince of Wales, and invests him with Aquitaine and Oleron, vows to avenge death of Comyn, 509; holds Parliament, and obtains Thirtieth and Twentieth, 510; severely punishes all accessories to Bruce's rising, 512, 513; banishes Gaveston, 514; concedes profits of Canterbury to Clement, 516; acquiesces in prohibition of Parliament, 517; takes the field against Bruce, advances to Burgh-on-Sands, dies, his obsequies, 520; appearance and character, 520–522; his good government, 522–524; legislation, legal changes, 524–527; military system, 527 (cnf. "Army"); passion for field sports, 528; patronizes the Universities, 528, 529; fine taste in art, 530; his revenues, 531–540; debases the currency, 540; his issue, *ib.*

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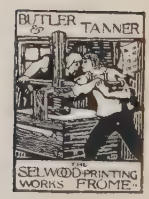
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